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THE CLEVELAND EXPERIMENT

BY W. M. TUGMAN
Of the Cleveland Plain Dealer

IT is too early to render any authoritative opinion as to the success of Cleveland's proportional representation-manager plan experiment. It will require at least a year and perhaps several years to determine whether practice accomplishes the purposes of the experiment.

Experiment, even the most friendly observers are agreed, is the proper name for the undertaking. But it is also important to realize this—that it is perhaps the most interesting and ambitious governmental and sociological experiment now under way in the United States.

There are two fundamental problems in all government, city, state or national, to-day:

1. The high cost of government—low efficiency of the tax dollar as compared with the dollar in business.

2. The margin between the theories and the actualities of representative government—a lack both of ability and responsiveness in representative bodies.

The Cleveland experiment is the only one seeking to solve both problems at one stroke. The manager plan in itself is aimed at the first problem. Proportional representation is designed primarily to solve the other.

It is because of this ambitious purpose in the experiment and the size of the community making it that it is being watched the country over more than Clevelanders realize. If Cleveland has found the answer to the two big governmental problems, others want to know it.

This is not saying that the masses throughout the United States are standing in the streets for bulletins on the Cleveland experiment. They are at best but dimly aware of it. But students of government, politicians, industrial leaders, tax reformers, social workers, the press—all the leaders for their own varied reasons are interested deeply.

THE NEW P. R. COUNCIL

The results of Cleveland's first election of the city council by proportional representation have been tabulated and analyzed for the REVIEW by others. Briefly, the city has a council of twenty-five, in which there are fourteen Republicans, six Democrats, and four clear cut Independents, with the twenty-fifth member an independent Republican. For the first time in the history of Cleveland there are women in the city council—two of them.

The new city council also contains not only among the Independents, but among those classed as party members, a number of people who by professional training or other experience are peculiarly fitted to deal with large municipal problems, as the new council will have to deal with them in a policy determining rather than strictly perfunctory legislative capacity.

Proportional representation, therefore, may be said to have accomplished already at least a part of its purpose. It has produced a more representative and therefore, theoretically, a more responsive body. It has brought new blood into the council. It has raised the average of councilmanic ability. What remains to be seen is this:

1. Whether, these results of P. R. being granted, actual improvement of city service will result.

2. Whether the voicing of independent thought in the city council will stimulate or obstruct administrative results.

The big difference between Cleveland's new city council and all previous city councils is not in the presence of opposition to an organized majority which must in the main assume responsibility for its acts. Party has often been against party in the past. The big difference is in the introduction into the city council of a small group of people whose political habits, whose whole political philosophy, for the present at least, are different.

This is not saying that party members as a group are in any degree less interested in the objective of efficient government than the Independent bloc. It is saying that between the two groups there is a vast difference as to method and technique.

Party control of the Cleveland council has not been disrupted by proportional representation. (Conservative advocates of P. R. declare this to be only a possibility, not a guarantee of their system.) But party control of the new Cleveland council will be modified to the extent that the Independents as individuals or a bloc attract following and influence.

THE CITY MANAGER

Into this situation comes William R. Hopkins, the choice of this unique council for the city's first manager. William R. Hopkins is known to all Clevelanders as the man who built the Belt Line railroad. He is a lawyer, business man, trustee of Western Reserve University, and a native Clevelander thoroughly familiar with all Cleveland problems. He is classed nominally as a Republican, through having been in the city council and chairman of the Republican county committee in the '90's.

Mr. Hopkins presents the most conspicuous personality factor in the big Cleveland experiment. He represents the response of the council majority to the "big man" specifications set up by leading civic organizations, which appeared before the council to urge that no effort be spared to get an executive of the highest type.

In selecting the manager, the council majority insisted on restricting the search to Greater Cleveland in opposition to the desires of the Independents for a nation-wide search, but all of the Independents except Councilman Peter Witt concurred in the choice of Mr. Hopkins on the final vote.

Mr. Hopkins is being paid $25,000 a year as contrasted with the $10,000 formerly paid to mayor executives. This is not only the highest salary ever paid by the city of Cleveland, but one of the highest ever paid by any American city. Yet it is no more than Cleveland often has paid from time to time for special technical surveys, as, for instance, the $30,000 Bemis gas survey.

Mr. Hopkins is hired by the council as the chief administrative official of a $2,000,000,000 corporation handling approximately $40,000,000 worth of business annually.

LEADERSHIP IN THE COUNCIL

In the case of the city council, the new charter is designed to minimize and restrain old-style party politics. In the case of the manager, the executive, it is intended to eliminate politics altogether. The manager is supposed to be as completely absorbed by business detail as the manager of a steel works or a fabricating industry, leaving policies and politics to the board of directors.

Leadership under the new form of government is supposed to find its voice through the city council, particularly through the titular mayor—Councilman Clayton C. Townes has been named for this honor. But even the most rigid charter fundamentalists do not attempt to deny to the manager certain phases of leadership.

In the manager, as in any very important business executive, tremendous duties of leadership are inevitable because he is the council's chief professional and technical adviser, but it is supposed to differ from the public appeal and advocacy of the old-style mayor elected by the people and to be exerted largely through the council by suggestion.

This, let it be clearly understood, is the theory of the managership in relation to the new city council. Here again only time, and plenty of it will decide how far practice can sustain the theories of the charter.

When Mr. Hopkins entered the manager's office he found an accumulation of great problems to be solved. To the city council, the groups of citizens and organizations which pressed him to speak because of the great public curiosity to see and hear this $25,000-a-year man, he described these problems and outlined programs for their solution.

The city council was in a formative period, a period of adjustment to new conditions and responsibilities. Personal leadership by the manager under these circumstances was almost inevitable and, on the whole, it has been welcomed by the majority in the council. Ideas and ideals have been set up by the manager. Mr. Hopkins was criticized bitterly by charter "fundamentalists" for talking too much. They paraphrased the old adage about "crowing hens", but inevitably both manager and public in the last few weeks have had to turn to the policy determining council.

WHAT IS BEING ACCOMPLISHED

With only a few months completed, the critical summer season when big city programs actually are carried out not yet arrived, it is impossible at the present time to measure the accomplishments of the new government in terms of paving and street cleaning and car service and water supply and the hundred and one other things by which it is possible to set one administration against another and say, "This one was better."

But there are certain definite developments which are extremely encouraging:

1. Greater public interest in councilmanic activities than in many years.

Attendance at council meetings has jumped from an average of fifty in the last four years to more than 500 on the average. Standing room only has been the rule at almost every meeting. If public interest is at the foundation of good government, this is significant.

The exceptional interest is due largely to the new life in councilmanic procedure, the fundamental differences

in thought and method between the new and the older elements. Debate is strenuous, sometimes personal and spectacular, but always searching even on relatively unimportant subjects.

2. The most comprehensive and aspiring legislative program in years. Some of the items are:

A 40-mile paving and repaving program.
Widening of Carnegie Avenue from E. 22nd Street to E. 55th Street.
Extension of Chester Avenue from E. 30th Street to E. 40th Street.
Cutting E. 13th Street through from Chester Avenue to St. Clair Avenue.
Cutting E. 18th Street through from Lakeside Avenue to Superior Avenue.
Widening of Euclid Avenue from Ivanhoe Road to city limits.
Immediate completion of the mall site.
Immediate grading and cleaning up of lake front below City Hall to provide recreation fields and parking grounds.
$360,000 program for rehabilitation and improvement of all parks and playgrounds.
$1,000,000 sewering program.
Organization of policewomen in separate bureau under specially trained woman reporting directly to the chief of police.
Progressive motorization of police patrols, particularly in outlying districts.
Employment of additional police to bring force to present maximum quota of 1,200 patrolmen.
Immediate rebuilding of much of signal equipment for both fire and police.
Rebuilding of E. 152nd Street bridge over New York Central in Collinwood.

These all are part of an improvement program outside of the regular operation of city departments and, when the special assessments on specially benefited property owners are considered, the total value of the undertaking is very close to $20,000,000.

This is a program in addition to the $14,000,000 allotted for the ordinary operation of departments and it does not include the extensive plans for the betterment of the non-tax supported light, heat and water departments.

Legislation looking toward the complete rehabilitation of the municipal light plant is before the council. A. B. Roberts, who was the first director of utilities under the Kohler administration, has been employed to survey the $10,000,000 investment in municipal light to determine what expansion, if any, is practicable, and how to return the whole institution to a sound financial basis.

In the water department, the new administration is taking hold where the Kohler administration left off with the $40,000,000 improvement program with the completion of the new Baldwin Reservoir, pumping station, and filter plants, with their connecting mains, the immediate task, with the planning of additional west side and east side stations and intakes the next step.

Somewhat apart from these other improvements because of the special circumstances surrounding them are the plans for replacing police headquarters and the two fire stations, including the one which houses the central fire signal equipment. These buildings all stood in the site of the proposed depot at Public Square.

Mr. Hopkins and the city property committee, headed by Councilman Walter E. Cook, have arranged terms with the Van Sweringen interests by which these three pieces of property will be turned over to the depot interests for $1,700,000—a value well in excess of ordinary real estate appraisals and figured on a replacement basis.

The completion of this deal had been delaying not only the depot project but replacement of these stations. The old police headquarters and jail, in particular, had been denounced for years as a civic disgrace. Actual construction of the city's new facilities is to be begun as soon as the money is received.

Some of the most spectacular sessions of the new council have been over matters touching on the depot project. Legislation has been passed and more is under consideration, all intended to bring about a clarification and definite settlement of all controversial issues in the city's connection with the depot project. There is motion in this respect.

Little has been accomplished so far to assist the Cleveland Railway Company in the financing difficulties which have arisen under the Tayler grant. Large programs of street railway betterment cannot be undertaken until the company is offered more leeway by some expedient. Municipal ownership of the street railway system has been suggested by some councilmen, but so far the suggestion is only an indication of a desire to get at street railway problems in a broader way.

The council has ordered the city law department to appear at Columbus before the State Public Utilities Commission to scrutinize the Ohio Bell Telephone Company's demand for installation charges after the unification of service on April 1.

To prevent a recurrence of a long-drawn-out controversy with the East Ohio Gas Company in 1928, when the present agreement runs out, Mayor Townes has proposed a survey to prepare the city to meet this contingency, which may be serious in that it may involve a change from a natural gas supply to an artificial supply or to mixed gas.

There is prospect of early and definite action on the city's proposed zoning ordinance which has lain in the committee box nearly two years. Hearing after hearing has been held during this time. Expert after expert has been heard on either side.

The council recently directed the Committee on Building Code to make a tour of large cities which have zoning laws in effect. On the basis of this field study early action is promised.

Finally, the council, through the legislative committee, is preparing to take up at once with the officials of other Ohio cities, with county and school authorities, with civic organizations interested in the huge Ohio taxation problem the discussion of plans for concerted and intelligent action in the next legislature for tax relief.

It is not alone the number of these projects before the new council, but their range and scope, the interesting and even entertaining manner in which they are being discussed, which indicate a new vitality under the new form of government.

Nor is this all. With the co-operation of the suburbs, a movement has been launched and a committee is at work to plan some form of metropolitan organization for the handling of such metropolitan problems as thoroughfare development and rapid transit. Moralization about annexation in the abstract has been dropped for concrete discussion of co-operative effort.

If the new form of government does not in the first two years accomplish all it has set out to do, it will not be for lack of daring.

It is a city government which is really thinking about big improvements, talking about them, trying to bring them about. Mr. Hopkins and members of the council, old and new, seem almost to vie in the movement.

For the first time in the history of Cleveland, an effort has been made to budget not only the operating program of the city, the routine work, but the entire year's program of permanent improvements. This long has been needed and urged by the Bureau of Municipal Research because of the very definite effect of the carrying charges on improvements which must

be financed with bonds upon the future operating revenues.

The 1924 bonding program has been laid out up to the maximum, which will not interfere with operating in 1925, although 1926 in any case would require legislative tax relief.

For the first time, also, the council and the manager, sitting together, have decided to follow a pay-as-you-go policy so far as it is possible with regard to certain permanent improvements. The Chester, E. 35th, E. 18th, E. 13th and Euclid widening projects are not to be financed with bonds, but out of the 1923 operating reserve of nearly a million and a half.

These things all are the symptoms of the state of the new city government which the rest of the country as well as Cleveland is watching to see how it stands time's test.

THE MANAGER'S CABINET

This is the personnel selected by Manager Hopkins to supervise the detail of the large projects which are in the making:

Law Director—Carl F. Shuler, formerly assistant law director of the Kohler administration, former member of the state legislature and former mayor of Miamisburg, O.

Service Director—William S. Ferguson, president of the William S. Ferguson Co., engineers, architects and builders, and an authority on concrete construction.

Welfare Director—Dudley S. Blossom, who held the same post during the Davis and Fitz-Gerald administrations.

Park Director—Frank S. Harmon, many years connected with the Weidemann Co., wholesale grocers, director of the Guardian Savings & Trust Co., and many other enterprises.

Safety Director—Edwin D. Barry, former county sheriff.

Finance Director—William J. Semple, public accountant.

Utilities Director—Howell Wright, attorney, many years executive secretary of the Cleveland Hospital Council.

Traction Commissioner—C. M. Ballou, Cleveland manager of the American Sheet & Tin Plate Co.

EMPLOYMENT POLICY

Under these heads of departments in the first few months many changes in the subordinate personnel have been made, although by no means the extensive changes which were customary under preceding administrations.

Mr. Hopkins has enunciated these policies with regard to jobs:

1. All important selections must be approved by him personally. Otherwise, department heads are entirely free to make their own selections for their own reasons.

2. All department heads are responsible for results.

3. Make good or get out to be the basis of all employment.

Under the new city charter practically all city employes, except casual laborers and the heads of main departments, are to be placed under civil service as rapidly as possible. The charter provides a ninety-day time limit once the accumulated work is in hand. Civil service looms, therefore, as a check on wholesale changes in city departments.

In the changes that have been made, the recommendations of members of the city council have had some part, although the new charter has specific provisions against "interference" by councilmen in administrative appointments. This phase of the situation has been the subject of controversy between Independents and party members.

Party members have not denied these activities. On the contrary, they have challenged the practicality of a charter interpretation which would forbid a member of the council any freedom in this respect. Mr. Hop-

kins also has asserted the right to receive recommendations from anybody whether in the city council or out of it, reserving at all times his own final judgment.

A peculiarly balanced situation exists. Here an appointment can be cited to prove that the "spoils" system has triumphed over the new city charter. Beside it may be found another appointment from which it can be argued not that the charter has triumphed over "spoils" habits but that the delicately adjusted policy enunciated by Mr. Hopkins is the law of the case.

It is an interesting controversy, but in view of the tremendous constructive things under way and yet to be placed under way it is interesting mainly as an inevitable phase of the period of adjustment. Hundreds would not number the job-seekers who have swarmed about City Hall as at every change in administration. Scores would number easily the changes made.

The displeasure of those who guard the letter of the new charter or of those who seek for jobs and fail, and there are some councilmen in this number, will be contributing but not deciding factors in the first years under the new charter. The accomplishment of the large improvements set up, since they touch all the people, will be much more important.

TWELVE-MONTH RECREATION

BY F. R. McNINCH

Former Mayor of Charlotte, N. C.; Director, Extension Department, Playground and Recreation Association of America

THE summer playground has in many cities been a necessary forerunner to the twelve-month recreation system. Many first appropriations for recreation purposes have been justified by that particularly obvious need—playgrounds to provide recreation for children during the months when schools were closed. But summer playgrounds, having served their educational purposes, are each year being incorporated by more and more cities into year-round systems that offer both old and young daily opportunities for wholesome enjoyment of their leisure time. Two hundred and eighty-one cities with year-round recreation sent reports to the Playground and Recreation Association of America for the most recent compilation of statistics on this subject.

ECONOMY

Partly responsible for year-round systems has been the discovery through summer play under leadership that money spent for recreation prevents a far greater expenditure in child accidents and maintenance of delinquents at reformatories, and is insurance for health and citizenship. All the economic arguments for municipally provided summer play hold good for municipally provided play at any time. Cities are realizing that if it is civic economy to provide recreation three months out of the year, it is greater civic economy to provide it all the year.

In March, 1921, in the open meeting of a campaign to establish a year-round community recreation system in Bluefield, West Virginia, Clarence Ridley, city manager, said:

> We have sixteen thousand people in Bluefield. We have sixteen policemen. This is about the average for the cities in the United States, one to every thousand population. Our city is growing rapidly. In ten years we shall probably have thirty-two thousand people. I do not propose to cut down the police force, but I am strongly of the opinion that if we will employ some year-round recreation workers and organize an adequate public recreation program—athletics, playgrounds, music, etc.—we need not increase our police force. In other words, with such a public recreation system we can maintain order in a city of thirty-two thousand people with sixteen policemen.

By supplying a comparatively inexpensive factor, leadership, year-round recreation also keeps from periods of idleness grounds and equipment in which thousands of dollars have been invested. In weather too cold for games and apparatus play, municipal recreation spaces are flooded for skating. Jersey City playgrounds take advantage of snowfall by arranging snowman contests, snow battles and other invigorating sports. Cities are utilizing for the indoor activities necessary to a year-round program such existing indoor facilities as church and club rooms, town halls and school gymnasiums and auditoriums, though they often supplement them with specially constructed municipal recreation centers.

BETTER LEADERSHIP

A higher type of recreation leadership has been put within the reach of cities adopting year-round systems. The superintendents of recreation heading modern departments of recreation are more than "activities persons"—they thoroughly know the financial, organization, social and cultural sides of public play and are able to co-ordinate the recreation activities of a city's various organizations and agencies. Few such men and women are willing to accept a position for part of the year, so a less expert grade of leadership must often be an additional handicap to the city providing for public play only three or four months as compared with the city having a twelve-month system.

INDUSTRIAL LIFE QUICKENED

Year-round public recreation has proved an asset to the business life of cities. It decreases labor turnover, one of the main causes for which is a city's failure to provide for the interesting and neighborly use of leisure time.

New industries have been attracted to cities by facilities for public recreation in all seasons, and the converse is likewise true. A mid-western city of 25,000 which had felt sure it would be selected by an eastern manufacturer as a site for his new plant, recently received a severe jolt when it was eliminated from further consideration. Asking the manufacturer to state candidly the reasons for turning down their city, local business men learned that the deciding factor in the final rejection had been the city's lack of opportunities for any recreations except such commercialized ones as moving pictures, dance halls and pool rooms.

A manufacturer already established in a coal center of 18,000 population has just shown similar foresight. He has deferred building an addition to his plant until such times as the city can provide the recreation facilities necessary to take care of additional employees.

SCOPE OF PUBLIC RECREATION EXTENDED

Public recreation has passed its one-time boundaries of playgrounds and

organized athletics and entered constantly widening fields of social, cultural and creative recreations. Cities first experimenting in year-round recreation have shown the value of promoting such activities as club organizations, amateur dramatics, art and music, handicraft classes, social gatherings and gardening. The creative instinct so often baffled in the monotonous routine of factory work finds expression in these opportunities for the constructive use of leisure time.

An important activity of the year-round recreation department is that of arranging celebrations of holidays and special days which will make them true red letter days to people of all ages and will prevent the overlapping and waste of many individual programs. Among the most popular civic festivals are the municipal Christmas, with its organized caroling, dramatics and tree festivities, the municipal Fourth of July, with its historical pageants, athletic meets, welcoming of new Americans and other citizenship activities, and the municipal Hallowe'en, which has shown its efficiency in preventing property destruction.

Organized winter sports are a valuable and, for most cities, a comparatively recent addition to the municipal recreation calendar. Cities in New England and in the northern Middle West, having excellent natural facilities for ice and snow sports, are promoting them most extensively. Winter sports have particular health value in that they provide outdoor exercise at a time when people are most prone to stay indoors, and they allow a maximum of participators as compared with spectators. Colorful winter carnivals lasting a day or more are each year being staged by more and more cities. They are boosting trade, providing a climax toward which all the outdoor winter programs may work, and fostering community spirit among the people.

NEIGHBORHOOD ORGANIZATION

Neighborhood organization is the basis of some very successful year-round systems. Cities adopting it feel that the private organization of citizens in their neighborhoods has insured the fullest use of the facilities provided and has guided them in meeting the deeper recreation needs of the people.

The progress of the neighborhood work in Wheeling has been due mainly to the careful selection of the neighborhood boards of directors, advisory committees and officers. They were chosen with four ideas in mind—there must be someone accustomed to getting up entertainments, the churches must be represented, the various talents of the community must be represented and there must be proper geographical representation.

Syracuse has utilized the schools as neighborhood recreation centers. To Wilmington, Delaware, a neighborhood signifies the district served by a particular playground. The first neighborhood organization came about through a playground Christmas tree.

Recreation authorities agree that practically every community of 8,000 population or more needs to employ a director of recreation the year round. The yearly increase in the towns and cities reporting year-round recreation indicates that this ideal, which twenty years ago would have appeared extravagant and Utopian, is on its way to fulfillment.

VICE REPRESSION IN SAN FRANCISCO

BY EDWIN E. GRANT

Former State Senator from San Francisco; Author Redlight Abatement Law; President of State Law Enforcement League of California.

SEVEN years ago San Francisco tolerated a segregated district. In 1917, before federal pressure for closing redlight districts as a war measure had commenced, the segregated district of San Francisco was definitely closed. The remarkable part of it all is, considering the vastness of the San Francisco tenderloin district and its hold on the political life of the city, that San Francisco was not the very last of the large cities to abolish it.

To say that a revolution has occurred in the vice problem in San Francisco, would be only a mild statement of the facts. In former days people seemed to gloat over the enormity of these vice and crime centers.

THE MUNICIPAL BROTHEL

The political power of the tenderloin district was appalling. During these segregated district days a candidate for mayor had been elected on a platform that he would make San Francisco "the Paris of America." During a previous administration the mayor, also the political boss and adviser of the mayor, were convicted of extortion in connection with the operation of a notorious French restaurant assignation house. Another resort—a four-story crib house containing about seventy cribs—was so closely linked to that administration that it was generally spoken of as the "municipal brothel."

San Francisco on pretext of being a great seaport town, had become the dumping ground of the West. Vice and graft flourished together. Other western cities, seeking to wallow in the same mire, patterned their deadfalls after the cribs and parlor houses of San Francisco.

PASSAGE OF REDLIGHT LAW

When the Redlight Abatement Law became an issue in the state legislature in 1913, the San Francisco delegation led the fight against the passage of that law. They fought long and loud for the defeat of that measure lauding their segregated district as the salvation of San Francisco. One member stated on the floor of the Assembly that if this law were passed, the governor would be compelled to call out the militia to protect the womanhood of San Francisco. Another San Francisco assemblyman rushed into the Senate chamber and asked the writer to withdraw the bill as it would interfere with the marriage laws.

On the floor of the Senate, one of my colleagues from San Francisco argued that the tenderloin district was a good thing because whenever the police wanted to find a criminal they could usually find him in one of these redlight houses, whereas, if the houses were closed, they would have no trace of where he might be located. "San Francisco is a seaport town," was the prevailing argument from the San Francisco delegation. All reason fell before their eagerness to provide the seafaring man with his periodic debauch. Yet in spite of this opposition, fostered by property interests which would suffer by the passage of this measure, the Redlight Abatement Law was passed by both houses of the legislature and signed by the governor.

FORGED REFERENDUM

But the San Francisco underworld interests could not be checkmated by mere action of the legislature. California had, two years prior, in the interest of reform, passed an Initiative and Referendum Amendment to the State Constitution. The San Francisco underworld was quick to seize upon this opportunity, wherein they perpetrated the first abuse of the referendum.

Accordingly, they got together in the back room of a prominent San Francisco saloon (later closed on evidence of the State Law Enforcement League), and prepared a referendum petition, later found to be reeking with forgeries. Yet they were successful by this clever device in suspending the operation of the Redlight Abatement Law until it could be submitted to the people for a state-wide vote.

CAMPAIGN OF EDUCATION

A campaign of education then became necessary. The Women's Christian Temperance Union took the leading part, as they had done in the legislature. Franklin Hichborn, veteran of many successful battles against vice, gambling and liquor, was placed in charge of the fight. So well was the campaign handled, that the California voters passed the Redlight Abatement Law in November, 1914, by fifty thousand majority.

During this time the San Francisco underworld ruled the town. It carried on its reign of crime as it had done in years gone by. But the adverse vote they were able to bring out in San Francisco was not sufficient to stop the solemn verdict of the rest of the state that the segregated district must go.

When the law went into effect thirty days after the election—in December, 1914—the San Francisco underworld grew truculent. Death threats began to come to those who had fought the law through to passage, the day and the hour being named as the same time the redlight houses should actually close. After this first reaction, and the failure of the city administration to close these houses following the passage of the law, the San Francisco underworld settled down for a fight.

A local Law Enforcement League was formed with Bascom Johnson as executive head. The fight resolved itself into one of court action. This new organization immediately realized they must force action over the head of the district attorney. This was possible through a fortunate provision of the Redlight Abatement Law empowering a private citizen to begin action whenever the district attorney refuses to act. Through such means test suits were brought against certain houses in the segregated district. A long series of experiences with the law's delay during 1915 and 1916 followed, important court decisions being finally obtained upholding the constitutionality of the Redlight Abatement Law in some of its most vital points.

But despite the fact that this law had been upheld, the segregated district continued its lawlessness. The San Francisco underworld made clever use of dilatory tactics in friendly territory, thus preventing the law from becoming effective.

VICE CRUSADE

Then came the famous Vice Crusade in 1917, under the leadership of Rev. Paul Smith. The segregated district had grown in such proportions that it entirely overflowed the district assigned to it. It was gravitating into the high class hotel and apartment house district of the city. So bold did these women become, that they actually solicited their trade on the very doorsteps of Rev. Paul Smith's church.

This precipitated a decisive battle. Paul Smith opened fire on the entire segregated district of San Francisco. Names, dates and places were called. A roll of shame was read, and people high in the social life of San Francisco were exposed as deriving their fortunes from these brothels.

Fear seized the entire San Francisco underworld. The publicity attendant upon this Vice Crusade was daily dragging into the papers the names of some of San Francisco's most respected citizens. And even before those who had launched into this fight thought such a sweeping order would come, every segregated district in San Francisco was closed. This was February 14, 1917.

On this issue the State Law Enforcement League was organized to carry the fight for law enforcement throughout the entire state—not only for enforcement of laws against vice, but against liquor, gambling and illicit drugs as well—and to consolidate the victories that had been gained in San Francisco. The writer, because of his authorship of the Redlight Abatement Law, and his connection with enforcement work, was called in as executive head.

For a year or more these redlight houses remained entirely vacant, against the day that the storm would subside. The vice masters believed the district might again be used as a center for white slavery. During this period the houses were kept closed though ready to move into at an hour's notice.

But the war came and wrote another chapter into the death-knell of San Francisco's segregated district. The war policy of the government in protecting from disease men in uniform, as well as men subject to the draft, presented a situation that made the reopening of the district an inopportune move. When the war was over the government's fight against venereal disease was extended to demobilization.

LESSONS FROM THE WAR

This delay proved fatal to the schemes of the San Francisco underworld. By the time a successful move might have been made to reopen the district, education on disease made such a move impossible. Ambitious officials, despite their private views on the subject, could not afford to press their previous benighted views on this question. To do so might jeopardize their chances of stepping up higher.

During the war the State Law Enforcement League had kept active not only in San Francisco, but in Vallejo, Sacramento, San Jose and Oakland cooperating with military and naval authorities, and closing redlight houses by means of the Redlight Abatement Law in practically every county of the state. The league kept forever active in San Francisco co-operating with Police Captain Charles Goff in charge of the Morals Squad, who by means of frequent raids during that period made the remnants of the redlight business in San Francisco a dangerous occupation. On one occasion the writer, accompanied by Captain Goff, took a ten-year-old girl out of one of these houses.

A happy compliment to the league's work along military lines was given us by Commandant Harry George in a conference at the Mare Island Navy Yard. Commandant George said:

> Every time you close a house of prostitution you are adding materially to the military welfare of the United States. The German Government has overlooked no means whereby they might break down the morale of their enemies' troops, and it is inconceivable that they have overlooked this method. I believe there is a well-defined purpose on the part of the German Government to break down the morale of the American troops through liquor and vice.

The Navy apparently did not rate the efficiency of the United States

sailors from the view-point of the San Francisco legislative delegation.

PROGRESS MADE

To-day, there is of course vice in San Francisco, despite the education the war made possible and the subsequent peace-time program. In the official argument for the Redlight Abatement Act that went out with the state ballot in 1914 the writer only claimed that the Redlight Abatement Law would materially reduce the volume of commercialized vice. Yet it has done more than was claimed even in those portions of the state where the problem has been most intense. Where in former days thousands of men and boys nightly visited these open redlight houses in San Francisco, to-day what is left of commercialized vice can be patronized only by one who understands the system,—and then at the risk of being exposed in his debauch.

Nor has a situation ever developed through the operation of the Redlight Abatement Law that required the governor to call out the militia to protect the womanhood of California. On the contrary, we have many concrete cases where erring girls would have easily drifted into redlight houses were the segregated districts open, but could not be trained into the life through the restrictions this form of repression offered.

VICE IN NEVADA

An interesting contrast to this situation is furnished by a recent incident in the state of Nevada. Nevada still tolerates segregated districts in wholesale fashion, there being hardly a town of any size in that state that does not have a "bull pen" or several parlor houses. On a recent trip to Nevada—which work often comes within our program because of interstate traffic—I talked with a young girl of about nineteen in one of these houses. Her beauty and even apparent innocence had hardly yet been effaced by her recent entry into the life. She told me she was from Hollywood, California, where she had a job as a motion picture actress; that she had been laid off at Hollywood for a time, and had come to Nevada to occupy this redlight house during the waiting period.

Now here is the analysis of that situation: with all the stories we hear about conditions at Hollywood—some of which may be exaggerated and others of which are all too true—and the attraction such a prosperous district would normally afford an erring young girl in entering a life of shame, yet this girl was prevented from entering the life in California because we have abolished the segregated districts. But in Nevada the door is wide open. All she had to do was enter and the door was closed.

DEPORTATION OF ALIENS

In San Francisco a method we have found highly effective has been the summary deportation of aliens engaged in the vice business. The league has worked on many occasions in cooperation with the United States Immigration Department. Within a month or so one of our operatives, by pre-arrangement with the immigration authorities, visited two houses of ill-fame we found had sprung up. Evidence of solicitation was established just before the immigration authorities raided the places. A Chinese cook in one house was summarily taken to Angel Island and held for deportation, while the French madam of the other was put on the island enroute to France.

The league has been highly successful in the deportation of criminal aliens. Most noteworthy of these is the deportation of Joe Fuski, king of the

Sacramento tenderloin and a political power in the capital of our state.

The foundation of the vice problem in California—that is, the commercialization of it—is largely a foreign problem. Such also is the case almost entirely with bootlegging. Once the American people become aroused to the vastness of vice and crime for which foreigners are responsible and begin a wholesale plan of deportation of criminal aliens, our vice and liquor problems will make another great stride toward solution. And this problem should be handled not only here by means of deportation, but at the source by compelling aliens to pass examinations in American standards before they even leave their native soil. In this way we will get the cream of foreign immigration instead of the dregs.

One serious setback in the program of vice repression in San Francisco is the abandonment, under a state administrative economy program, of the State Rehabilitation Farm for Delinquent Women. A system of gathering in the remnants of the old redlight houses, and sending them first into quarantine at the County Hospital, thence to the State Rehabilitation Farm, was making definite progress in clearing out the remnants of the old segregated district. One redlight woman in Reno, Nevada, with a record dating back to the days of the crib houses, told the writer at that time she had left San Francisco for Reno, on account of the danger of being quarantined.

Above that was the opportunity this state farm actually furnished for rehabilitation. When the farm was abandoned under this economy program one young girl turned loose by the closing of that institution came into the office of the State Law Enforcement League and told the writer that the opportunity this had given her of getting away from her old associates had given her the first grip on herself she had had since she started on her downward path. It is, however, in the minds of the progressive people of California, that this farm will soon be re-established, the buildings of this institution being still held intact for the purpose originally intended.

SUCCESS OF LAW ENFORCEMENT

The Redlight Abatement Law has proven a positive success in California. The fear with which property owners making money out of this business have viewed the law is the best evidence. In the years following the initial San Francisco decision in 1917 there have been twenty Appellate and Supreme Court decisions in California upholding the constitutionality of this law on one point or another. Every device known to brainy lawyers to upset the operation of the law or nullify its effectiveness has been used. The State Law Enforcement League has been directly involved in nearly every one of the cases resulting in these decisions. There has been a more general official fear of using this law in San Francisco than in most of the counties, but the threat of it is ever present and has a tremendous effect.

California has not only adjudicated the law for other states in the Union, but the enforcement of the abatement features of the Volstead Act has followed the law that has been written by these higher court decisions. The precedent for abatement of property used for illicit sale of liquor is based on the success of the Redlight Abatement Law in the various states where it is in force.

San Francisco has yet a long way to go in the solution of the vice problem. With the exception of two police districts, we cannot claim that aggressive action is the rule here. In most cases

such action must be forced. But without doubt the volume of vice has been cut down at least seventy-five per cent by the closing of the segregated district. And furthermore, it no longer advertises itself to the rising generation in the way it did in years gone by.

With men and women steeped in vice passing on, and another generation, not engulfed by this wholesale system, coming along to take their places, this great problem as a commercialized business, is slowly, though surely, solving itself. Progress during the next ten years as far-reaching as the last means the crushing of this illegal traffic.

MONTCLAIR REJECTS THE CITY MANAGER PLAN

BY RANDOLPH O. HUUS

At a special election on March 11, Montclair, New Jersey, defeated the city manager proposal by a vote of 2,069 for to 2,997 against. The campaign for the manager plan in Montclair is of more than local interest because of the vigorous, organized effort that was made to convince the voters of the merits of this plan in a city where the glaring abuses that have caused some cities to adopt it did not exist. New Jersey only recently became converted to the city manager idea, the legislature early in 1923 passing a city manager charter law that might be adopted at a special election by cities of that state. In accordance with the law a petition was filed about the middle of February containing signers equal in number to 15 per cent of the persons that voted at the last general assembly election. That meant a rather short intensive campaign to inform the voters about the plan and to convince them of its superiority to the existing commission form.

Montclair is an attractive city of about 30,000 within an hour's distance from New York City. A large number of its residents are commuters with business or professional interests in New York, but with their civic and community interests in Montclair. A few of these men pushed the city manager idea and the Montclair City Manager League was organized. Most of the executive committee of the League were business or professional men ably backed by a number of exceedingly active and public-spirited women. The first important decision the League had to make was as to the conduct of the campaign. Were the existing commission government and its officials to be criticized, or were the voters to be urged to adopt the manager plan because it was intrinsically better than the commission form? For better or worse, the policy of "hands off the present city government" and "no personalities" was adopted. This policy was followed not without dissent from some members of the executive committee.

METHODS USED TO GET AT THE VOTER

How could the voter be convinced that it was worth his while to get out on election day and vote for the manager plan? Three methods were used to

convert the indifferent or skeptical—public meetings, publicity, and personal persuasion. The League committee on public meetings tried to reach the voters in two ways. First, it arranged for a number of large mass meetings with prominent speakers and also neighborhood gatherings held in the schoolhouses in the various wards. These meetings were in most instances on the League's own responsibility, circulars and newspaper notices being depended on to get out a crowd. For the mass meetings outside speakers were featured—City Manager Louis F. Brownlow of Knoxville, Tennessee, Prof. A. R. Hatton of Cleveland, Ohio, and Rev. S. A. Brown of Petersburg, Virginia. With the use of extensive publicity, fair-sized audiences were secured for these meetings. Mass meetings of this kind can easily be overdone especially when they are one-sided affairs. A case in point was the final rally of the League on the Friday evening preceding the election. The original idea was to have a mass meeting conducted under the auspices of the local League of Women Voters where both sides would be given a hearing. The Good Government League (a temporary organization combating the city manager proposal) was invited to furnish speakers opposed to the change. But the Good Government League, for reasons known best to itself, refused to participate, saying in effect that there was only one issue to be debated, viz., the existence of corruption or inefficiency in the existing city government that would warrant any change of any kind! That made it necessary for the City Manager League to take charge of the meeting, and much energy was expended to make it a success. Prof. A. R. Hatton and Robert L. Cox, a member of the New Jersey State Board of Education and a resident of Montclair, were the speakers. Only a fair-sized crowd turned out, most of them probably favorably disposed. While the public mass meetings arranged by the League were moderately well attended, the neighborhood meetings in various ward schools proved almost a complete fizzle.

After all, in a campaign of this kind it is nonsense to waste time on those already converted. The most important business at hand is to get at the indifferent and hostile voter. And he can be reached most easily at the regular meetings of his club or society. Realizing this the League kept close tab on organization meetings of all kinds, and for the most part the local organizations were glad to allow the League speakers from five to twenty minutes, usually extending the same privilege to the opposition. This resulted in some lively debating with spirited give and take from the floor. Most of the local organizations adopted a neutral attitude indicating that they were desirous of hearing both sides of the argument. Meetings of this kind proved to be by far the most popular and effective. Labor Unions, women's clubs, church groups were reached by this method. Two of these groups took straw votes. The local Kiwanis Club voted overwhelmingly against the manager plan, as did the Building Trades Council. From surface indications it would appear that the local business men and the labor organizations were against any change.

The merits of the manager plan were extensively advertised by the League. During the last two weeks especially, numerous circulars, posters and pamphlets were distributed. Most of the publicity was prepared by the League. The following list will give an idea as to the nature and extent of the material sent to the voters:

1. Story of the City Manager Plan (pamphlet issued by the National Municipal League).

2. The City Manager Plan of City Government (1924 Report of the City Managers' Association).
3. Statement by Raymond B. Fosdick.
4. Statement by M. N. Baker.
5. A window poster containing the chief points of manager government and a chart of the plan according to the New Jersey law.
6. A window poster containing the opinions of representative men.
7. The *City Manager News*, published by the League.
8. A summary of the New Jersey City Manager law.
9. Two statements replying to opposition circulars.
10. A pre-election folder entitled, "Are You Afraid of Bogies?"
11. A "Citizen's Primer."
12. A summary of the Montclair Chamber of Commerce Survey on the success of the plan in other cities.

Two pamphlets that deserve special mention were "The Citizen's Primer" and the summary of the Chamber of Commerce survey. "The Citizen's Primer" was a primer on the manager plan with thirty-five short questions and answers about it. The primer told what the plan was as well as why it should be adopted. The survey of the local Chamber of Commerce provided a striking bit of publicity as to the success of city manager governments. The local chamber decided to find out for itself what prominent business and professional men in cities operating under the plan thought of it. Thirty-six letters were sent out to men in no way connected with the government of their cities asking for an expression of opinion pro or con as to the success of the manager plan. The verdict was overwhelming—thirty of the answers were definitely in favor, four were more or less neutral, while two stated that it was too early to judge the success of the plan in their city. The replies came from twenty widely scattered cities. It might also be mentioned that a similar independent investigation by a prominent Montclair resident brought response almost identical with the above. On the whole, the publicity material was attractive, to the point and well prepared, but possibly too highbrow.

The most important job of all, no doubt, was that of personal contact with the voter. And to see that he registered, if necessary, and went to the polls and voted. To accomplish this an excellent scheme was worked out—on paper. Each election district was put in charge of a captain. The captains were to appoint workers, assigning about twenty families to each worker. The workers were supposed to make an aggressive canvass noting those in favor, opposed or doubtful. The workers were also supposed to see that those who had neglected to register did so, and to get out all the voters that favored the plan on election day.

Much was accomplished, but much more could have been done, with an earlier start and more direct supervision of the field work. Personal work gets results when meetings and publicity fail.

THE OPPOSITION UNCOVERS A TRICK OR TWO

Meanwhile the opposition was far from idle. The defense of the existing commission form was in the hands of the "Good Government League," a temporary organization possibly more interested in the defeat of the manager plan than in good government. At all events this League was merely a smoke screen for the really active part of the opposition, *viz.*, the local Republican machine and most of the personnel of the present government, their families and friends. It is interesting to note that the secretary of this League was as active in opposing the commission form when it was first

proposed as he was now active in defending it. The opposition had a bagful of political tricks, and one by one they were put into use. They advertised much less extensively in the local papers than the Manager League did, but when they did their counterblasts were often as entertaining as they probably were effective. One advertisement claims the campaign was conducted "with the help and backing of the powerful International City Manager's Association and the National Municipal League—strangers all to our people are they and their members." Under the heading, "A Montclair Revolution," the National Municipal League is handed this brickbat, "They do not undertake this work for the love of Montclair or any other community. It is strictly a business proposition." Who could resist the following appeal, "It is not courtesy," *i.e.*, to the present commissioners, but of course nothing more could be expected from the "selfish, professional proponents" of the plan. But the others not selfishly interested are asked if they "do not want to be courteous to these good men?"

Two interesting circulars were distributed by the opposition. One was entitled "Fair Play." Its substance is as follows. The Manager League first said that it would not criticize the present government. Now, fifteen days before the election a speaker of the League says that the League will show that the Montclair government is not operating successfully. Can this be "fair play?" As a matter of fact the League did adhere to its original idea of keeping away from personalities by not criticizing the existing commission government, so that the opposition went off on a false scent. However, they did attempt in this manner to cast suspicion on the tactics the Manager League employed. The other circular was cleverly headed, "Shall we give up our present good working government for?" It contained a series of "Do You Know" questions and answers. One of the answers to a "Do you know" question, which indicates the nature of the objections, was, "That there are many kinds of City Manager laws."

Some of the objections raised might prove of interest. It was said that the New Jersey City Manager law was defective, even dangerous; that the time was too short for proper deliberation; that the plan was autocratic and probably aristocratic; that the executive committee of the League was not representative. It was also said that no charges of graft had been made against the present government making a change necessary; that the plan was pushed by outside interests for selfish reasons; that the liberal spending of money must mean "a nigger in the woodpile" somewhere; and, of course, that the plan was "un-American." No campaign can be quite complete without such a charge. A local newspaper reported the Town Counsel to have called the city manager government "a monarchy," and to have said "it was disgusting, abominable, astounding that people should return to a government long ago discarded as despotic."

It was among the colored voters of the pivotal fourth ward that the most fanciful rumors were circulated and, judging from the final vote, with telling effect. The Manager League realized all too late the hostility of the colored voters, and tried to offset this by securing Rev. S. A. Brown, colored minister of Petersburg, Virginia, to describe the city government there under City Manager Brownlow's administration. Reverend Brown gave a creditable talk to a mass meeting of colored voters, but the vigorous heck-

ling from the floor after the talk was evidence enough of the majority sentiment among the colored voters. And also that those opposing the plan had circulated statements that were having their effect on the colored voter. The colored voter was told that if the plan was adopted the city manager would, beyond a reasonable doubt, come from a Southern city and that he might be a Ku Kluxer. That was enough! Not satisfied with that, however, a second rumor appeared that was headlined on the front page of the local daily newspaper. That was to the effect that the manager once in power would be used as a smoke screen to change all of the colored sections of Montclair into parks and boulevards, forcing the colored people back South. It is impossible to allay the fears aroused by such rumors in merely denying their truth shortly before the election.

The weather on election day was not the kind that tempts one to get outside. It offered a good excuse for the stay-at-homes. The opposition was exceedingly active both on the registration days and on election day. Private cars and taxis took many an Italian and colored voter to the polls. The Manager League used the telephone, reminding the workers to vote and asking them to be responsible for the voting of those in their quota that favored the plan. The League had private cars at its disposal but, having made little inroad into the Italian and colored district, found little use for them. Five thousand and sixty-six ballots were cast—2,997 of these were against the plan, a majority against of 928. Two of the five wards returned majorities for the manager plan. The second and fifth wards voted against two to one; the fourth over four to one. It is worth noting that the two predominantly colored districts of the fourth ward voted against about nine to one. However, the two to one vote of the second and fifth wards was great enough even to counterbalance a favorable colored vote.

CONCLUSIONS

The Montclair campaign was carried on by a group of unusually public-spirited, experienced and intelligent men and women. The mistakes made might easily be made by any group pushing this plan in other American cities. With this in mind, some of the causes for the failure of the campaign are very briefly listed below:

1. *The time was too short.* To explain to the voters what the commission form is, then what the city manager plan is, and finally the advantages of the manager plan in five or six weeks is a difficult task. The voter often instinctively adopts a negative attitude.

2. *There was too much printed publicity.* Attractive and excellent as the campaign literature, there was too much of it and it was probably too highbrow for the average citizen. The publicity that counts is the kind that people read.

3. *The executive committee was not truly representative.* Neither the negroes nor Italians were represented. Nor the labor unions. It was too exclusively business and professional.

4. *Importance of ward-district work underestimated.* The election district organization was effected shortly before election day. It would have been wiser to have put more time on the work of the organized workers and less on publicity and meetings if necessary.

5. *The campaign was too much of the educational type.* In the laudable determination to avoid mud-slinging and personalities, the policy of the League made the campaign appear rather colorless. The shortcomings of the existing Commission government were not exposed.

For a month Montclairites discussed problems of city government, some even getting excited about the matter. This arousal of civic interest is the very substantial gain that results from a campaign of this kind, whether or not the election results in the immediate adoption of the manager plan.

VIEWS ON ZONING AND HOUSING

AS EXPRESSED AT THE NATIONAL HOUSING CONFERENCE HELD IN PHILADELPHIA, DECEMBER, 1923

I. WHAT THE BANKER THINKS OF ZONING

BY GEORGE S. EDIE

Vice-President, Westchester Trust Co., Yonkers, N. Y.

THE banker thinks no differently of zoning than does the ordinary thoughtful citizen. He is, however, more interested in preserving values and preventing, as far as possible, unnecessary waste and unnecessary losses.

When one sees an apartment house erected in a district of private dwellings there comes to mind immediately the thought that someone is profiting at the expense of another. One knows that the apartment house is worth more because of its location, and also that the owners of the houses in the immediate vicinity are losing values, because of the apartment house being located in that section.

I want to illustrate this with an instance that came directly to my knowledge in Yonkers. There was a customer of ours who owned a very beautiful house in the south end of the town in a district which was occupied entirely by private houses. The company which owned this district restricted each individual lot as it sold it, and did not put a blanket restriction on the whole property. After a time, the company got into financial difficulties and sold off a parcel immediately adjoining that of our customer's.

Thereupon the new purchaser began the erection of an apartment house. Action was brought in the courts to prevent this, but inasmuch as the restriction did not cover all the land or all the plot, the action was thrown out of court. What happened? Immediately upon the completion of that apartment house—in fact prior to its completion—our customer's property decreased in value; and because of the location of the apartment house, the man owning it was able to get much more rent than from apartment houses located elsewhere in the neighborhood.

Again, we have seen an instance in New York City where, in a business district occupied by stores, industry in the form of manufacturing plants came in, and immediately the value of that location as store property decreased, and many of the stores went out of business. The section of Sixth Avenue in the neighborhood of 23rd Street at one time was the bright and shining example of a very prosperous business section, but upon the arrival of industry, and manufacturing establishments, we saw that district wiped out.

This came to my attention as a banker, as our bank was trustee for an estate which held some property in that neighborhood. We found that the value of that property had shrunk considerably from the time we took the estate over.

Another instance is the case of the garage. In every city the public garage has come to stay, but there is a proper place for it. Yonkers prior to our zoning ordinance saw instances of public garages going into business sections, and hurting values to some extent, but where they went into residential sections they absolutely ruined

values in that immediate neighborhood.

A striking example of why a city should be zoned is found in the following experience of ours. Some years ago a customer of ours owned property in the south end of the town. This property was a very good property, and all around it were houses running in value from $20,000 to $30,000. Our client built two very good houses, and during this operation she became financially involved, and we loaned her money to meet her needs. Later on we took a second mortgage on these properties to secure our loan. The first mortgage on the small house was about $7,000; the mortgage on the larger house ran to $8,500. At that time the larger house rented for about $200 a month. When our client was unable to pay her interest and taxes the first mortgagees foreclosed, and we were forced into buying in the property to protect our second mortgage. The property cost us about $23,000, and was well worth $35,000.

It happened that the man who owned the adjoining piece of land wanted to buy these two properties from us, and we were willing to sell them at what they stood on our books, but the terms that he offered were not satisfactory. He then came in and said, "If you don't sell them at my terms I'll build a public garage next to your property." Subsequently he did build the garage, and he put the entrance just as close to our property as he could—a public garage to house sixty or seventy cars.

What was the result? The house that rented for $200 a month went down to $100 a month and later to $83 a month. So after holding those properties for several years at a loss, we were forced to sell them at about $23,000. There was a loss of at least $12,000 to someone, and that loss was occasioned solely by the building of that garage in that section.

These are some of the experiences that finally resulted in the passage of the zoning ordinance in Yonkers. It is hard for me to distinguish the various parts that I have played with reference to this zoning ordinance. In the first place, I represent a large real estate company; I was a member of the commission which framed the ordinance; and to-day I am a member of the zoning board of appeals. If you would ask me to define zoning from the banker's standpoint I presume it would be the same definition as given by others.

Zoning, in my estimation, is just orderly house building—just the orderly development and arrangement of a city. The object of zoning is to achieve regularity and orderliness in a city's growth and development. Zoning lays out areas for buildings for the various purposes and needs of a city. It exercises a strong influence upon property development and subdivision of vacant land. Zoning protects property values from irresponsible and unscrupulous speculative interests. And, finally, zoning prepares for the future and preserves and safeguards the present from unnecessary depreciation and loss; and works in all ways for the welfare, prosperity and advancement of a city.

You ask me if zoning is a good investment. For many years we had in Yonkers a sort of zoning by the large landholder's restricting the development of his property. These restrictions as a rule ran for approximately twenty years; and you will all agree that, as you look forward, twenty years is a long time; but, as you look backward, twenty years seems but a day. So it was in Yonkers. The twenty-year period of restriction soon went by, and the result was that at the end of that period property owners and house

owners found themselves with property and houses that had no protection whatever.

A striking example of this was found in a beautiful section of Yonkers known as Park Hill. This section had been developed with such restrictions, and at the time of the agitation for our zoning ordinance these restrictions were about to run out.

The restrictions provided private houses of a certain value; for setbacks of a certain size. As the ordinary development went, between each house there was a vacant lot, which the developers thought would sooner or later be purchased by the adjoining house owner.

Before the twenty years had expired the company went into the hands of a receiver. All we could see for the future of the district was that at the end of the restrictive period, viz., in two years, speculative interests of no mean character might come in and plunder that section. We could see that beautiful section disappearing as one of the chief residential districts of Yonkers; and this possibly more than any other cause was the chief reason for zoning in our town. We did want to prevent garages from locating on those vacant lots and apartment houses from going up, which would run out to the street line and kill the value of this beautiful home district. We preserved that section by our zoning ordinance.

An interesting fact that our experience with our zoning ordinance has developed is that in sections of the town where before there was zoning there was no building, because of the uncertainty of its future development, we find that since our zoning ordinance went into effect, that these sections have come into their own. Houses similar to those built in years gone by have recently been built. Such a section is the Ludlow section in the south end of our town. This has taken place because that section is now stable. People know that no one can go in there and kill their values by future development and future building.

Let me speak of zoning as an investment from a civic standpoint. When our sessions were on with relation to our zoning ordinance in Yonkers we found some people clamoring for us to permit higher buildings and more families per acre than we thought wise.

After careful study we found that if the number of families per acre and the height of buildings were increased, our public utilities could not stand the pressure. It would require new sewers, new water lines, and many other additional expenditures.

As a matter of fact, in one section of town which was formerly a private house section, apartment houses sprang up so fast that we were forced to tear up the old sewer, which would have been adequate to supply the needs of the one-family houses, and put in a large new sewer at great expense.

That is what I call inexcusable waste. Zoning a city is of great value. It permits the engineer to lay out his public work, as the future will demand, and saves money for the city.

The conservative banker seeks to invest in securities of certain value, where there is little change or chance of fluctuation. He likes something that is stable, and looks for safety and security of investment.

From the point of view of real estate investments, the banker is deeply interested in zoning. Under the laws of New York savings banks, trust companies and trustees are permitted to loan two-thirds of the appraised value of real estate. Prior to zoning we saw in Yonkers very violent changes in real estate.

In the north end of our town in a one-

family unrestricted district, a row of stores sprang up almost over night. The result of this was that the entire district immediately adjacent to this property lost value, and to-day it is what one might term a small business section in this residential district.

The depositor in the bank often needs credit; and when his statement shows real estate investments, it is very important that the statement be scrutinized very cautiously by the banker. In days prior to zoning, where the customer showed a property in a residential district it was very important to know whether or not this district was restricted for a long or short term of years, inasmuch as this would decide very materially its real value. So many violent changes had occurred in our town that many real estate values had been destroyed by unwise building, and the banker, of necessity, had to be very cautious.

To-day, with zoning, a residence has a real value and can be used by the customer as security at its real worth or cost. Consequently, the customer, if in need of capital for his business, can borrow large sums on first mortgage because of the stability of his property. If in need of credit, the real estate can be property listed on a statement at its true value. This enables the customer to have less invested in real estate, and more money is made available for trade, manufacture and commerce.

Therefore, as a banker I can say there is no other side to it. A zoning ordinance does help a town. It has helped Yonkers; it has stabilized values there. We have to-day in Yonkers a workable ordinance that is satisfactory to everybody.

II. WHAT ONE REALTOR THINKS OF ZONING

BY J. W. CREE, JR.
Realtor, Pittsburgh

THERE is, perhaps, nothing so obnoxious to the average American as regulation. Our ideas of personal liberty are such that our natural reaction to regulatory legislation is antagonistic to it. This is particularly true when such legislation affects us personally. Almost everyone has some particular law which is the epitome of oppression to him, and almost every class of professional and business men feels that their profession or business is controlled just a little more than any other.

The life work of the average realtor is the buying, selling and leasing of real estate. After twenty years' experience in the business, I believe realtors represent as good a type of American citizens and have as high ethical ideas as any other profession. Although I have known it to be done, is it not a great deal to expect the average man to refuse to do perfectly legitimate business in his own line, which he knows someone else no less scrupulous than himself, perhaps, but with a different point of view, will do if he refuses; because he knows that the use to which the property is to be put is not the same as that for which other properties in the neighborhood are used? Such refusals gain nothing for him but the loss of business, with a resultant shortening of the bread and butter supply. Since the zoning law prohibits certain uses of certain land, to the mind of the average realtor it interferes with its free and unrestricted barter—a most undesirable

state of affairs from his point of view.

The average realtor looks upon a zoning law: first, as an added burden in the way of restrictive legislation to the community at large; second, as interfering with the almost divine right of the ownership of real property; and third, as a direct interference with his earning of his daily bread. Is it any wonder that with this realtor the idea of a zoning ordinance is about as popular as the eighteenth amendment is with certain of our citizens?

I think there is no realtor who does not realize that a zoning law is most beautiful in theory; that, if a modern city could be built in accordance with the best ideas of zoning, it would be an ideal city in which to live. He has no objection to zoning in theory; his difficulty is that he cannot see how it can be applied practically in communities which have grown to be great municipalities—the places where the zoner feels such regulation is most needed.

Your realtor does not admit that the growth of any large center of population is a haphazard circumstance. He feels that from the first settlement of such a community its existence has been according to some natural law and that its growth and development have been governed by natural economic principles—perhaps not the same principle which prompted the first settlement but, nevertheless, by entirely natural circumstance. He sees in a zoning law an attempt by artificial means to interfere with the natural development of a community and he doubts whether in a community already largely developed this can be done without great injustice.

There is, perhaps, not a single man in the real estate business who does not feel that proper restrictions should be placed in residential districts; almost every subdivision now laid out carries them. There is no class of men that feel more strongly that the misplaced store or garage or factory is a detriment to a neighborhood, and there is no class of men that would welcome more readily some way by which such things could be avoided.

There is no great difference of opinion, I think, as to the advisability of industry, commerce and residence being segregated each to its own districts; the problem being whether it can be done in an established city without injustice amounting almost to confiscation. There is, however, a wide variance of idea as to the necessity for the regulation of height and area, and much to be said on either side as to the practicability of its application by general rule.

Ever since I have thought much about zoning, I have thought the theory of it a beautiful idea; but I am rather a recent convert to the idea that it can be applied justly in established communities. I believe firmly in the advisability of use restrictions, and I believe that reasonable height and area limitations in certain conditions are almost as necessary. Any new law such as zoning requires readjustment of ideas and, while I do not believe it can be put into effect without some interference with plans in certain cases, I do believe zoning can be applied to the modern city without injustice to any great number of property owners.

The application of the zoning law to a large established city is a colossal job; the division of such a city into districts, even as that city is to-day, requires months of careful study and the trend of probable development in certain districts even more. Is this seemingly misplaced factory in a location destined to be a manufacturing center? Will a business community grow around this corner grocery? Will this neighborhood become an exclu-

sively single dwelling district, or should it be an apartment house area?

No one will deny that it is impossible to legislate to-day for the changed conditions of to-morrow. It is impossible even in what seem very simple things to lay down rules which will be practical in their application even a very short time after the framing of such rules. This is true in almost every human activity—whether mental, moral or physical. And, it seems to me, it is particularly true in the application of a zoning law; for the changes in the development of a large city seem to be governed by the same uncertain laws which control the traditional woman's mind.

The great menace in zoning, to the mind of the average realtor, is the danger arising from the improper zoning of property and the difficulty of having such mistakes corrected.

The prime essential to the successful application of a zoning law in an established city, to my mind, is that it be flexible enough to meet all situations arising under it and that the method of securing variations of its provisions be as simple as possible. This, it seems to me, can be best secured through a board of appeals, and this board should have broad powers.

I have great confidence that, as the provisions of zoning laws become better known and it is seen how simple it is to overcome practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, that not only realtors, but the public at large, will come to see that the protection given their properties far outweighs any inconvenience there may be in the use of property restricted by a proper zoning law, and that its application is practical and to the great benefit of the community.

III. REDUCING THE COST OF HOUSING

By Eliminating Unnecessary Building Law Requirements

BY IRA H. WOOLSON

Chairman, Committee on Building Codes, U. S. Department of Commerce

We can take it as a general axiom that poor building is costly building. In other words, there is no real economy in building with poor materials or with a lack of stability. It is bad judgment to use poor materials because they are cheap, or to skimp the amount of structural material used, below that point which will render a building permanently rigid. In these days of mass construction, particularly for small house construction, there is a strong tendency on the part of speculative builders to erect rows of dwellings which are by no means a credit to the builders, and are sure to be a disappointment, and a financially bad investment, for those who purchase them.

But there are real economies to be had by not making building construction unnecessarily restrictive.

Let me tell you something of the economies which may be expected from an application of the proposed standard building regulations that are being prepared by the building code committee of the United States Department of Commerce.

I shall endeavor to do this in a general way—pointing out the essential or more prominent features of

construction in which these economies are most likely to be found—and shall not attempt to apply any special rules, nor to estimate the saving of cost that might accrue from application to a particular building, because such a statement would have little value, since it would depend so much upon the character of design.

The committee is progressive in its ideas in that it recommends that building laws shall have as much latitude as possible in the way of application of the use of materials to construction so as to promote economy in construction, but at the same time the committee is conservative in the belief that sound construction should always be the ultimate aim.

The committee is not attempting to promulgate its own ideas or theories as to what building construction should be. It gathers information and opinions from every available source, and uses its experience in analyzing and classifying that material according to its relative value. After thus sifting it, a tentative set of regulations are prepared which is sent broadcast over the country to qualified experts for criticism.

We have a large number of such men—building officials, architects, engineers, and those connected with technical societies and others—whose opinion is certainly worth while. When this advice is received the committee proceeds to classify it and revise its tentative regulations in the light of the weight of evidence presented. This constitutes its final report, which is printed and distributed to the public.

It represents, as nearly as we are able to get at it, the average concensus of opinion of those people in the country who are best qualified to pass upon the subject under discussion. There is no use in trying to prepare standard laws or regulations which are much above the average judgment of qualified experts, because you will not get anywhere by such procedure. Their views must be supported by public opinion if you are going to have them enacted into laws and have them become effective.

Thus far the committee has finished but one report dealing with the minimum recommended requirements for the construction of small dwellings, a tentative report upon regulations covering wall construction for all building has been before the public for discussion for some weeks. The committee has also in preparation a report upon allowable floor loads for which various classes of building occupancy should be designed.

In addition to these, there has been prepared a very excellent report upon plumbing. This has been drafted by a subcommittee on plumbing, and is now in complete form ready for the printer. Prof. George C. Whipple of Harvard University is chairman of that subcommittee.

Thus far the greatest reductions in costs which may be expected from the committee's endeavors will probably be found in the relaxations which the committee advocates of existing requirements for thicknesses of walls, and allowable floor loads for buildings of various occupancies.

An analysis of 134 building codes, representing all sections of the United States, disclosed that for one-, two- and three-story dwellings the thickness of walls required by 60 per cent of the codes was 12 inches thick and upwards, to 20 inches. Similarly, for four-story buildings, 70 per cent of the codes required that walls should be 12 inches thick and upwards, to 24 inches.

The consensus of expert opinion obtained by the committee upon this subject was that such walls were un-

necessary for the class of building and the type of occupancy. The building code committee, therefore, in its small house specifications, recommended 8-inch walls for dwellings up to 30 feet in height plus a 5-foot gable.

In the skeleton type of building—that is, where the walls are carried upon the steel or reinforced concrete framework in each story—the committee's tentative recommendations for all walls, with the exception possibly of fire walls and party walls, is a thickness of 8 inches. That is a reduction of about one-third on the present requirements in many cities.

The committee's tentative recommendations, if adopted, will reduce the average thickness of walls for the better class of dwelling construction nearly 10 per cent for bearing walls, and 20 per cent for non-bearing walls. Corresponding reductions for industrial and commercial types of building would show a saving of 14 per cent to 26 per cent, depending upon whether the walls are bearing or non-bearing. There is less reduction in thickness in proportion in bearing walls than in non-bearing walls, for the reason that the bearing wall depends very largely for its support upon its anchorage to the floor system. In case of fire, if the floor system burns out, these walls become very unstable, and consequently dangerous; and the committee feels that it is not justified in making as great a reduction in thickness for such walls.

Similar reductions will be found—though perhaps not as great a percentage—in walls which are built of hollow tile, concrete block and similar materials. The units are large, consequently it is not as easy for builders to avail themselves of the theoretical reductions that would be permitted upon a strength basis, as it would be the case with the smaller units of brick. There would also be some saving in foundation walls, but not as great as in other walls.

At existing prices for masonry materials and labor, it can easily be seen that there is opportunity for a very substantial reduction in cost of building due to the relaxations which the committee is recommending. Though this saving for a particular small building might not be large, the accumulation of the saving upon a thousand houses will bulk to a large figure.

To judge of what the actual saving might be by the application of these proposed recommendations, my information upon the subject is to the effect that in 1922 contracts were let in this country for $1,320,000,000 worth of large buildings. It seems reasonable to assume that 80 per cent of that construction would have masonry walls, and that at least 10 per cent of the cost of that construction would be in the walls themselves.

Assuming further, that 20 per cent of the construction was residential and 80 per cent to industrial or commercial, a rough estimate would indicate that if the economies recommended by the committee had been applied to this program, a saving of $16,000,000 would have resulted. Of course, that is more or less of a rough estimate. Some statisticians hold that the construction values were considerably greater than the figure I have stated as one and one-third billion dollars. In that case, the saving would be correspondingly greater.

Next to the saving which may be expected from the construction of walls, is the saving which will probably accrue from application of the committee's recommendations for allowable live floor loads required for different kinds of occupancy.

An examination of 109 building codes fairly representing the country

as a whole, disclosed that in 50 per cent of them the live floor load requirements for dwellings was 60 pounds and upwards to 100 pounds per square foot; and an average of all showed 53 pounds per square foot for the first floor. The consensus of opinion was that these loads were entirely excessive for the class of occupancy.

The committee recommends 40 pounds per square foot as ample in ordinary construction, if care be taken to keep unit stresses in structural members within safe limits. A reduction to 30 pounds per square foot is permitted for monolithic floor construction, or those with ribbed slabs. In joisted construction it is estimated that the reduction in floor load in the dwelling class will permit floor timbers of a given size and quality to increase 10 per cent in length, or the use of smaller timbers. Either solution promotes economy.

The committee has gathered a great deal of information upon actual floor loads. For dwelling-house occupancy the average load would not be over 10 pounds per square foot, and in a great many cases less than that. Ten to 15 pounds would be ample, but, of course, we must always make provision for the exceptional loading which may come from crowding of people at the time of some function being held in the rooms. We have recently had an analysis made of a number of dormitory rooms in New York state hospitals, and find that the average actual loading there is but $7\frac{1}{2}$ pounds, and that is under a condition of 25 per cent congestion.

It is, of course, not wise to design floors too closely to the loads they are supposed to carry. One must have a large factor of safety, because there is always possibility of the change of occupancy of a room to some other purpose; therefore, provision must be made for such contingencies.

There will be some saving in the cost of roof construction, but not as great as for floors. Roofs are always subject to exceptional and unanticipated loading—as, for instance, that of moving groups of people watching a circus go by, or some other entertainment in the street. It is not advisable, therefore, to make as great reduction for roofs as might be done for floors.

It is questionable whether any material saving will result from the committee's recommendations for frame buildings or those having frame construction covered with veneer or stucco; but it is very certain that if such buildings are constructed according to the committee's recommendations, it will result in a very much better type of building than is now generally found under these three classes; and anything that makes for permanency promotes conservation.

The committee is also thoroughly in accord with the idea of approving new materials and new methods of construction which seem to give promise of economy, just as soon as the merits of such methods have been fully demonstrated. This makes for competition, which generally reduces cost.

You probably know that it is difficult at the present time for the proponents of a new method of construction or of a new material to break their way in through the barrier of a city building code and get permission to use such materials or methods in the construction of buildings. Building codes are usually conservative, perhaps unwisely so, to the extent that they block progress. The building official, as a rule, has little opportunity to go beyond the actual wording of the law, and unless the law is so worded as to make it convenient for him to open the way for new materials or new methods it is very difficult indeed for them to get recognition.

IV. DO WE NEED RENT CONTROL LAWS PERMANENTLY?

BY CLARA SEARS TAYLOR

Member, Rent Commission of the District of Columbia, Washington

THE war taught us many things! One of the fundamentals of social life brought to the attention of the world was that real property is affected with a public interest, that housing is a public utility. It has become a "publicly notorious and almost world-wide fact."

After the armistice had been signed and the world tried to slip back into the old way of peaceful living, it found there was no place to live—peacefully; that the allocation of materials and labor to war needs had held up building and repairs for so long that the world was short hundreds of thousands of houses. France, Austria, Italy, England, Finland, America—all the countries of the world—felt the shortage. Laws were passed relieving buildings of taxation; lending government money; protecting tenants from unjust rentals; some countries even allocating floor space; forcibly taking over certain space in residences to house the unsheltered. Countries all over the world are still worrying over this problem fraught with serious social and economic possibilities. It seems to be pretty generally understood now that it is a problem that cannot be left to solve itself.

The two cities in the United States where the needs for legislative help has been found to be the most critical are New York and Washington—New York, limited in area, with serious transportation problems, with millions of human beings swarming like ants over its surface; Washington, swollen in population from approximately 300,000 to 600,000 to set up the machinery for a great war, resulting in "rental conditions dangerous to public health, burdensome to public officers and embarrassing to the Federal Government in the transaction of public business."

Out of this war emergency, grew rent legislation of two types: one, operating primarily through a commission empowered to determine and fix a just and reasonable charge for rental property; the other making the fact that a rent is unjust and unreasonable a defense to an action for recovery through the courts. Birmingham, Detroit, Chicago, Denver and Los Angeles, all congested cities, had their own quarrels over profiteering in rents, but in the two cities mentioned this legislation has continued unbroken—although bitterly attacked, scientifically, legally and economically fought.

The District of Columbia Rents Act has been in existence over four years, and although it has allowed a fair return on honest investments, it has saved tenants thousands of dollars and has kept the business of the government from being inefficiently handled by under-nourished, mentally-disturbed workers. If there is a city in the United States where there can be no doubt about real property's "taking on a public interest," it is the Capital.

Washington is primarily a city of government workers. About 70 per cent of the entire population is connected in some way with the government; 60 per cent of these are women, so one can see what the economic status of the tenant class is there.

It is not generally realized that the salary of the government clerk under

civil service is practically where it was just after the Civil War. It hardly seems possible, but it is true. Under the civil service, according to the latest report of the civil service statistician, there are employed in the District of Columbia some 38,000 men and 27,000 women. The average salary of these employees, taking into consideration the salary of the President and all other high salaries, is $1,500.00. If the salary of the woman clerk is taken into consideration, it will be discovered that, counting out the higher paid salaries, easily inside of one hundred, the average salary is $1,200, or $100 a month. The average salary before the late war was less than $1,200, and to that salary was added a $240 bonus and not much else. Now, out of this $100 a month, the government clerk, who usually has at least one dependent, often an old mother or crippled child, is supposed to pay for all the necessities of life, including rent. Prior to the war she paid all that she possibly could out of her salary into her rent, but when the rent was raised, first 25 per cent, then 33⅓ per cent, then 60 per cent, and then 100 per cent over the pre-war rental, where was she with her $100? What happened was that she went to her work without proper nourishment, without proper clothes, and certainly with her mind in a very bad condition to do the government work efficiently.

It is interesting to note that this legislation was placed on the statute books and twice sustained by 96 Senators and 435 Congressmen, representing every section of the country, and that it was declared constitutional by the Supreme Court of the United States. The very name of the judge who wrote this decision fires the imagination—Oliver Wendell Holmes—a great mind tempering the law with justice, outweighing technicality with humanity. This is, in part, the manner in which he answered the Court of Appeals of the District which had declared the act unconstitutional:

> The fact that tangible property is visible tends to give a rigidity to our conception of our rights in it that we do not attach to others less concretely clothed. But the notion that the former are exempt from the legislative modification required from time to time in civilized life is contradicted not only by the doctrine of eminent domain, under which what is taken is paid for, but by that of the police power in its proper sense, under which property rights may be cut down, and to that extent taken, without pay. Under the police power the right to erect buildings in a certain quarter of a city may be limited to from 80 to 100 feet; safe pillars may be required in coal mines; billboards in cities may be regulated; watersheds in the country may be kept clear. These cases are enough to establish that a public exigency will justify the legislature in restricting property rights in land to a certain extent without compensation. But if, to answer one need, the legislature may limit height, to answer another it may limit rent. . . .
>
> Housing is a necessity of life. All the elements of a public interest justifying some degree of public control are present. . . .
>
> But if the public interest be established, the regulation of rates is one of the first forms in which it is asserted and the validity of such regulation has been settled since *Munn* vs. *Illinois*. . . .
>
> The statute is objected to on the further ground that landlords and tenants are deprived by it of a trial by jury on the right to possession of the land. If the power of the commission established by the statute to regulate the relation is established, as we think it is, by what we have said, this objection amounts to little. To regulate the relation and to decide the facts affecting it are hardly separable.

Legislative limitation on the use of real property has been recognized as constitutional in increasingly numerous instances and in every section of the world. Not only has the constitutionality of this legislation been upheld by various courts, but opinions have been stated by extremely brilliant men in forceful terms, and, although there

are many technical lawyers vigorously opposed to such legislation, there is a large number of a more "progressive bloc" who uphold the law. In the *Marcus Brown Holding Company* vs. *Marcus Feldman*, a New York case, Mr. David Podell said:

> Police power has long since been adjudicated by this court to include more than the justification of legislative acts in the interest of protecting the health, safety and morals of the community. . . .

And as to contracts Mr. Podell says:

> Neither the contract clause nor the due process clause of the federal constitution is superior to the exercise of the police power of the state. . . .
>
> Legislation which seeks to relieve a large part of the community which stands on an unequal bargaining footing with a small and powerful economic group has been increasing. An academic assertion of equality in the face of practical conditions of inequality is a fallacious theory. Supposed volition cloaks actual duress. Compulsion is present as a fact where there appears none in legal principle. An overpowered will is merely yielding to a fictitious assent.

And Mr. William D. Guthrie filed a *x* brief for the attorney-general of New York as *amicus curiae*, in the same case, in which he stated:

> In determining the constitutionality of statutes passed in the exercise of the police power, the courts have invariably attached much weight to examples of analogous legislation in other countries, enacted in order to remedy similar acute conditions, or to meet similar governmental problems. . . .
>
> Neither the contract clause nor the due process clause of the constitution abridges the power or duty of the legislature to enact appropriate and necessary laws in order to protect and safeguard the health, safety, order, morals or general welfare of the public. . . .
>
> From time immemorial the government of England has exercised the power to forbid any and all practices which had the effect of unduly enhancing the price which the people must pay for the necessaries.
>
> The laws against usury were obviously directed to the purpose of preventing unconscionable lenders from extorting oppressive profits and preying upon the necessities of borrowers. They were plain examples of laws preventing oppression, enacted at the expense of freedom of contract and individual property right, for the benefit of borrowers,—a class far less in number than the tenant class. . . .

I am of the opinion that it is better to allow individuals to work out rental problems in all communities, except those where there is an unusual congestion or an extraordinary feature such as governmental business, a limited area, an oil discovery or Muscle Shoals project, causing an unnatural inflation of prices.

Profiteering is a disease. It is remarkable that it is so hard to curb. It is amazing that so many otherwise honest men and women have caught the infection, but once get it in the blood and nothing but legislation, it seems, has the slightest effect upon it. It is a pity that it is so, since it creates an atmosphere which is destructive to harmony and the peaceful occupation of the home.

It certainly is well to bear in mind that the relationship which exists between landlord and tenant should be one of trust and confidence, and the problems relating to such relationship should be worked out with mutual good will and human kindness. It is a great pity to destroy this relationship by court action which immediately and invariably sets up an antagonism and an aggressive spirit on the part of both landlord and tenant which is anything but conducive to friendliness. The result is often devastating. The landlord heckles, abuses and, in every way imaginable, annoys the tenant; while in retaliation the tenant becomes disagreeable, unresponsive to even reasonable requests of the landlord, and sometimes wantonly destroys the

property. Such, alas, is human nature!

A statement of how the law works in Washington may be not without interest. The rent commission is composed of five members. There is an engineer from Delaware, an ex-Congressman from South Carolina, a former real estate man and attorney from Maryland, a business man of Washington, D. C., and myself. We are hearing about 30 cases a day now in Washington with two rent courts, and we are trying very hard to catch up with our docket, which is some 900 to 1,000 cases behind.

When a tenant or a landlord believes that the rental upon a certain property is not just and reasonable, and prefers that the commission should fix a reasonable and proper rental upon it, they come down and petition the rent commission to do so. The commission then sends this request or petition to the other side, and gives ten days for an answer. It is then put upon the calendar for a public hearing. They are heard by one, two, three members, or perhaps by the whole commission of five members.

Usually the owner brings in a number of lawyers and experts. The tenant comes alone and unprotected, except by the commission. The party who made the complaint is put upon the stand first, as in any other legal procedure, and we get everything possible from him, and then the other side is heard, and we get everything we possibly can get from them.

We then inspect the property and attempt to fix a fair and reasonable value upon it, and then determine a fair rental out of that value. This value we usually fix by taking the factor and multiplying it by the cubic content which has been given to us by experts, usually employed, of course, by the owner. We find in that way the reconstruction value. We subtract from that a depreciation of 2 per cent on non-fireproof houses and 1½ per cent on fireproof houses for the life of the building.

Of course, a great many other elements have to be considered in each case. Each case stands on its own bottom. The fair value of the property to-day, and its last selling price, may not be a fair value at all—and the assessment is taken only as one of the elements to be considered, and is, of course, not conclusive.

When we have discovered the fair value, we give from 6 per cent to 10 per cent net return, after having carefully studied the statements given to us by the owner showing his annual expenditures.

These "expenditures" are often very amusing; they sometimes include gifts of cigars to policemen who watch the house, and sometimes even the funeral expenses of someone who formerly owned the house, put in in perfectly good faith. These statements we scrutinize very carefully and we try to separate the repairs from replacements, and we divide the replacement by the number of years of the life of that particular replacement. We attempt to find out exactly what that house costs; then we add to this the percentage of depreciation necessary on the true value of the house itself.

We used to have jurisdiction over the business properties of Washington, and when that jurisdiction was taken away from us the rents went up in business properties 300 per cent and 400 per cent right away. That shows what effect it had.

That is the way we try to fix rents; we do the best we can. We, of course, make mistakes, because it is human to make mistakes. It is really a court of human interest. It is most interesting

to hear what the people have to say.

A good many colored lawyers appear before us, and some of them are very proud of the words they know, especially when there are any colored people in the room. One colored lawyer was talking about an apartment house, and there were a great many of the colored tenants there; and, of course, he wanted to use all the words he possibly could. He wanted to say, "What is a tenant?" and this is the way he said it, "Will you please tell this Honorable Commission just exactly what relationship exists between you and this edifice in question?"

Another time a colored tenant—who, by the way, had just returned from the war and was beautifully dressed, with a sort of French-line cut to his clothes, and was a very important person—was asked by the colored lawyer what was the fair and reasonable rent of the property. The lawyer for the other side, of course, objected, and said, "This witness is not qualified to state what the fair and reasonable rental would be." And the two lawyers got into a clash over it. The more angry these two lawyers became, the more excited the witness became, and he began to drop all the vestments of civilization. It seemed almost as if he became as if he were again in the jungles; I think if there had been a tree there he would have jumped into it. He was very angry, and finally when they did ask him what the fair and reasonable rental would be, he made it very low. It was a $50 property, and he said $15. The lawyer for the other side then said to him, "By just what mental process do you come to this conclusion?" And the darkey, who was terribly angry, shouted, "I didn't come to it by no mental process and don't you be insultin' me."

Much depends on the administration of the law. If rents are so lowered that money is not invited into housing investment, the community will suffer more and longer than it would with no price-fixing legislation—more, because the congestion will be greater; longer, because it will take a longer time to produce that supply which will make the natural economic law operate normally.

In the District of Columbia, where there has been a rent law for four years, reports show that building activity has been greater in that period than ever before in the history of the city. It is stated that these houses are not built to rent, but to sell. After all, the effect is the same; since occupation, whether as tenant or owner, of new houses relieves congestion elsewhere and makes rental property available. The National Association of Real Estate Boards in a recent report states that residential rentals are showing a stabilizing tendency—especially in cities of over 200,000 population—and also that rents are following the course of the cost of building; that the cost of building shows no perceptible decrease; and adds that, according to the most authentic index of living costs, rents are now twenty-five points higher than other commodities.

We had hoped in Washington that when building was resumed and the law of supply and demand operated properly once more, that there would no longer be any necessity for a rent commission; but the building program has been enormous, and the rent situation is still just as bad as it had ever been.

When we consider that the fundamental and inelastic item in the household budget is rent; that money for food, clothing, amusement and education is allocated out of the remainder, it is obvious that children will go to

school hungry, cold and miserable; that some of them will starve; that families will go without the necessities of life; that thousands of people will suffer untold hardships, if relief is not found in legislation. Not only do individuals suffer but the public health and morals are affected. In Washington, where the work of the government depends on the state of mind and body of the government clerk, the business of the Nation suffers because of high rents. In proportion as the cost of shelter increases, the expenditure for food, clothing and other necessities decreases. Therefore, not only the tenant but the retail merchant is cheated by the landlord.

Rent legislation, having been declared constitutional by the highest tribunal of the United States, having been tried out successfully in many countries of the world, and conditions having shown conclusively that relief is necessary for the public welfare, health and morals of the country, rent legislation should be made permanent in all communities where there is any danger of congestion which would restrict natural competition, or where, from other causes, there is danger of inflation of prices.

THE FEDERAL GOVERNMENT AND THE CITIES

BY WILLIAM ANDERSON
University of Minnesota

The time has come in the United States for those interested in the progress of our institutions to consider the relations existing between the national and the municipal authorities. In countries like England and France the relationship is so direct and natural as to present a problem entirely different from that in this country. Here we have a federal system in which the powers of government are divided between the national authorities and the states. What is more, the division has been made on such lines as to leave all the important powers of direct control over cities in the hands of the states. Except in the District of Columbia and in the territories, the national government has, in theory at least, no control over municipal affairs. It cannot set up municipal corporations or destroy them, or make any alterations in their organization and powers. We have, instead of a single national system of municipal institutions, forty-eight state and several territorial systems.

Because of this constitutional situation, Americans have become habituated to thinking of the municipal and national governments not merely as revolving in distinct orbits in the same system, but almost as belonging in entirely separate systems. To use a more common figure, they are supposed to operate in separate, sealed, non-communicating compartments. The only trouble with this view is that it does not conform to the facts. There are few if any absolute separations in any system of government. Marginal overlappings and contacts are almost everywhere the rule. National, state, and local governments all exist for the

promotion of the welfare of the American people. Their laws and ordinances apply to and are enforced against the same men and women. Each operates directly through, upon, and for the people. Each performs very much the same sort of work. Each exercises some police power and some taxing power. Each is interested in the defense, protection, health, convenience, morals, education, economic well-being, and progress of the individual. There is a division of labor, and a difference in emphasis, but each of the units of government,—national, state, and local,—is a part of one organized system, however defective that system may be. We are all "members one of another."

The national government no longer ignores the existence of the municipalities because it cannot afford to do so. The last census showed that over half of the American people live in incorporated places of 2,500 or more population. More recent calculations by the federal Department of Agriculture indicate a continuance of the rapid drift of population from the rural districts to the cities. Indeed, there is nothing in the present economic situation to encourage any hopes of a genuine "back to the farm" movement. The next federal census will probably show nearly 60 per cent of the American people living in cities. The wealth of the nation is already highly concentrated in the cities. The American of the future will be, not the farmer, but the city dweller.

Indeed, the federal government in its different branches has for many years taken some interest in municipal problems. We can say, also, that to-day this interest is increasing and becoming more helpful. At the same time the cities have the greatest interest in not a few of the federal departments and bureaus. A brief catalog of the more important contacts which exist between the national and local governments will serve to show the importance of their relationships.

THE FEDERAL JUDICIAL POWER

We may speak first of the national government as upholder and enforcer of the federal Constitution and laws. This function is primarily for the federal judiciary. Cases involving the validity of the ordinances of cities are constantly being brought into the federal courts. Many go up even to the Supreme Court, which is called upon to decide finally whether city-planning regulations, billboard ordinances, and innumerable other local police and taxation measures do not deprive the citizen of property without due process of law, or deny him the equal protection of the laws, or impair the obligation of contracts. The importance of this federal judicial check upon the activities of municipalities can hardly be overstated. It will not do to say that the states have complete control over municipal government when we know, as a matter of fact, that there are important federal restraints upon this power. These restraints may appear to be merely negative, yet they have a most important effect on the operations of city governments.

THE WAR POWER

The federal war power may be defined briefly as the power to raise and support armies and navies and to do all things necessary to the successful conduct of a war. In time of war, state and local powers of government must, to some extent at least, yield to the superior powers and necessities of the national government. It is hardly necessary to call attention to the fact that in the late war the federal authorities interfered most effectively, if not always directly, in municipal affairs. Municipal public improvements and

municipal borrowing were kept down to the very minimum by the pressure of various federal commissions. In some instances federal military officers, in order to enforce the federal law prohibiting houses of prostitution and other evils within a certain distance of army and navy posts, are reported to have practically superseded the local authorities in the prosecution of such cases. When the urban street railways gave every sign of failing to meet local transportation needs in the chief munition and supply centers, a federal commission was organized to investigate and to report upon this distinctively local problem. Despite the stress of war, however, the federal government fully recognized the importance of municipal government. The draft act not only made temporary and possibly unauthorized use of municipal officials in connection with registration work, but it also permitted the draft exemption privilege to be extended to municipal officers.

THE COMMERCE POWER

The federal Constitution grants to Congress the power to regulate interstate and foreign commerce. Under this power the federal government has a very extensive control over all navigable rivers, waterways, and harbors. No important improvement in any such waters may be carried out by municipal authorities without federal approval. Not even a bridge may be constructed over such waters without the approval of the engineers of the war department and the passage of an act of Congress. Should a city desire to develop the water-power in any navigable stream, it has priority of claim over private corporations under the Federal Water Power Act, but it must receive the approval of the power commission, and in order to do this it must prove its ability to make proper utilization of all the power developed. The power of states, cities, and port authorities to regulate pilotage and navigation is strictly limited by the federal law. By express federal grant, city police officials have a limited jurisdiction over immigration stations. In its regulation of railroads, the federal government cannot help being interested in municipal terminal projects and in the still more expensive grade-separation work now being contemplated or carried on by some cities. Indeed, it would be difficult to mention all the different points at which the commerce activities of the federal government are of interest to cities, and vice versa. In this connection it would be interesting to know how the Hoover plan for stabilizing economic conditions by putting off public works in high-price years could be carried out without a very direct co-operation between the national and municipal authorities.

POLICE POWER AND PROHIBITION

The powers granted to the federal government may be used for all the public purposes. While it is true that the greater portion of the undefined police power is reserved to the states, and by them to a large extent delegated to the municipalities, the federal government may use its commerce power, postal power and other powers for police purposes; that is, to protect the health, morals, and safety of the people, and to promote their convenience. The federal government attempts within its sphere to prevent the social evil and the use of narcotics. Under the 18th Amendment, the federal government also attempts to prevent the manufacture and sale of liquor. In the field of public health, the federal government co-operates directly with state and local health boards in the enforcement of local quarantine regula-

tions. It restrains the shipment of diseased cattle, and inspects the meat packed for interstate shipment. It enacts and enforces pure food laws. In all of these matters the state and municipal governments have a direct interest, since they also enact and enforce laws upon the same subjects and for identical purposes. The act of bootlegging may be an offense against federal law, state law, and municipal ordinance, all at the same time, or in other words it may be a three-fold offense though but a single act, and it may be thrice punishable. How absurd it is that there should be so much duplication! In any case, how much simpler it would be to work out some method of co-ordinated law enforcement, in which municipal authorities could somehow co-operate directly with federal authorities upon what are almost identical problems.

TAXING POWER

The federal taxing power is extensive, but not entirely unlimited. The federal government may not tax the instrumentalities of the states or their municipal subdivisions. The income tax law clearly recognizes the principle that the income from municipal bonds, and the salaries paid by municipalities to their officers, are not taxable by the federal government. Anyone who entertains the theory that the federal and municipal governments operate in separate compartments, without any influence upon each other, need only read some of the arguments for making the income of municipal bonds federally taxable to see how close the connection between them really is.

CONSERVATION AND PUBLIC DOMAIN

A number of cities now get their water supplies from waters arising within the national public domain. The national government's interest in reforestation projects has, up to this time, been limited in practice to reforestation within the public lands. As our timber supply rapidly diminishes, however, this interest must increase and be extended to the promotion of reforestation over still more extensive areas. The possibility of promoting municipal forest reserves to the same end has not been sufficiently exploited in this country, but the time for that will come also. There can be little doubt of the importance of federal as well as state irrigation and drainage projects to certain municipalities.

POSTAL AND MISCELLANEOUS POWERS

No person would deny the importance of the location and design of the central and branch post-offices in the development of the modern city plan. Other federal buildings need also to be considered in this connection. Sometimes a federal structure, such as the Custom House tower in Boston, completely changes the sky line of the city. Among the miscellaneous federal activities of direct importance to cities may be mentioned the regulation of elections. In some places federal and city elections occur on the same day. One of the most important recent exposures of corruption in elections in a city was brought out in the course of a federal investigation. The federal government may regulate weights and measures, and does so to some extent. State and city governments perform the same function, with the result that there is today a considerable diversity of practice. The bureau of standards is required by law to lend its assistance to state and municipal officials in this connection. The census bureau is similarly obliged to give statistical information to cities at cost, and its publications provide some of the most important sources of information concerning cities. There is also the

federal law of bankruptcy, which forbids cities to become voluntary bankrupts.

FEDERAL EXPENDITURES FOR GENERAL WELFARE

The national Constitution provides that the Congress shall have power to lay and collect taxes in order to provide for the common defence and general welfare of the United States. This clause does not give Congress the power to legislate for the general welfare, but it does authorize expenditures for that purpose. Under this power the national government spends millions of dollars each year in promoting fisheries, mining, and agriculture and in bettering the condition of labor, of women, and of children. It would not be feasible to enumerate here all the important acts which fall under this head. It suffices to say that no single power of the national authorities holds out more promise of results to those who look forward to the development of a national policy of social melioration. Of direct interest to cities are the federal expenditures already being made for the promotion of public health, education, housing and zoning, child welfare, and improved marketing. Under this power and the power to provide post roads, the federal government is making "grants in aid" to the states for the building of better highways. There seems to be little reason why the federal government could not give similar aid to cities directly for the promotion of public services in which the national authorities are interested. Why, for example, could not the enforcement of prohibition be left very largely to the states and cities under a system of federal financial encouragement?

What is here suggested is the institution of a more direct and organic relationship between the national and municipal governments. That they already have a very real interest in each other's activities cannot be doubted. That they can be of the greatest mutual service to each other is also beyond cavil. In a haphazard, disorganized way they are already in contact with each other in the carrying on of many important services. What the federal government needs is to become more conscious of and better informed about municipal problems so that it can make greater use of municipal governments in the promotion of its own purposes. At the same time, cities stand greatly in need of the aid which only the national government can give. There is need of a national bureau for the collection and dissemination of accurate information concerning local government. In comparison with the national government, the average state is poor and small. It has inadequate sources of revenue. Its standards of civil administration are not high. It does not attract the ablest men. It is too often dominated by a rural point of view. Its area is relatively small, and there may be but one or two cities of any size within its limits. Under such conditions it is not to be expected that the average state will, for many years to come, do anything of very great significance toward the solution of municipal problems. Municipal home rule is not a constructive solution, but the evasion of a responsibility.

On the other hand, the national government has most of the things which the individual states do not. It can, if it will, study the workings of all cities. It has prestige. It has ample resources. It can provide a large staff of experts for the study of local problems. It can attract men of the highest order of ability. Because it lacks direct control over cities, it occupies a position of impartiality which is almost impregnable. Should there be set up

by the federal government a bureau of local government, for the purpose of aiding cities in getting the information which they need for the solution of their problems, it could hardly be construed to be an attack upon state rights. The national government could not command, but merely encourage, the improvement of local conditions. It is already doing this without the slightest protest from the country. To organize this work more methodically would be little more than recognizing a fact which already exists.

The proposal here made is not, however, that there be immediate action. What we need first is to establish the fact that the problem of municipal government in the United States has grown too big for solution by the states alone. Just as we have a *National* Municipal League, instead of state leagues, so the *national* government must be called upon to co-operate and to assist in the solution of municipal problems. It is, indeed, already doing this to some extent, but not in any comprehensive, organized manner. What is needed first, then, is a careful study by some large organization of all the services now being rendered by the national government to the cities, and of the results which are being obtained. At the same time a survey should be made of the possibilities of municipal co-operation with the national authorities in various services. The study here suggested is more than a Ph.D. thesis on the subject. It must be one in which many persons participate. Following this study of the problem, or in connection with it, there should be a thorough discussion of the various possible reorganizations and shiftings of functions among the federal bureaus to bring about better service to the cities and better local co-operation with the national authorities. The sole aim should be to establish more fruitful relationships than now exist for the solution of the great national-municipal problems. Among the questions which would have to be answered would be the following:

Should there be a national municipal reference bureau with its headquarters and library at Washington?

Should there be a national bureau of local government for the rendering of direct services to cities?

Should there be, now or ultimately, a system of national grants in aid to cities for the promotion of better municipal government in connection with special functions of national interest?

It will be observed that the proposal here made links up with that made by Professor Merriam in his paper on "The Next Step in the Organization of Municipal Research," and with that made by Mr. Stephen Child in his paper on "A National Agency of Municipal Research." In a sense it goes beyond either and is different from both. In its ultimate implications it includes, yet goes beyond, the purposes of even the Tinkham bill, which would have established a federal bureau of housing, town planning, and living conditions. A national bureau of local government could serve as the national agency for publishing digests of city charters and ordinances, for getting out an annual volume of municipal statistics, and for similar purposes. With the aid of advisory committees representing the leading national municipal reform agencies and other interested groups and persons, it could prepare some highly useful special reports. It could call national conferences to deal with urgent problems as they came up. With both federal and municipal contacts, it could make itself eminently useful, both to Congress and to the municipalities. The thought is therefore presented to readers of the REVIEW for discussion and criticism.

OUR CITY COUNCILS

I. THE PHILADELPHIA CITY COUNCIL

BY HARRY A. BARTH
University of Oklahoma

This is the first of a series of articles on the general character, procedure and work of city councils. This article frankly presents a clear analysis of Philadelphia's council as organized under the charter of 1919 :: :: :: :: :: :: :: :: :: ::

PHILADELPHIA furnishes an admirable laboratory in which to study the single-house council as compared with the bicameral in city government. The new charter of Philadelphia which was adopted in 1919 provided for the substitution of a single council of about twenty[1] members in place of a select council of forty-eight and a common council of ninety-seven. Since 1919 sufficient time has elapsed to permit an evaluation of the new governmental machinery, while the change is sufficiently recent to permit most of those who are in a position to have opinions to remember clearly the old system.

Not all the innovations which most political scientists think proper in a city legislative body were placed in the charter. For example, no provision was made for representation of minorities. The changes, however, were sufficiently broad to make a very definite cleavage from the past.

The chief change, of course, lay in the abolition of the two-house legislative system and the creation of one small chamber. In addition, provision was made for payment of members. The compensation was made fairly large—five thousand dollars per year, to be exact. The term of office was decided upon at four years. Thus a small and compact body of men who were to be paid enough to permit them to devote a fair portion of their time to city business and who were to represent constituencies large enough to make the office one of importance was set up to carry on the legislative branch of Philadelphia's government.

THE NEW COMPARED WITH THE OLD SYSTEM

Probably no one would now go back to the old system. The writer has canvassed a representative group and there was universal agreement on this point. In fact, most of the theoretical advantages which were advanced in sponsoring the new charter are justified in practice. The unicameral house is actually a more efficient legislative machine. The inevitable friction which arises between two houses is naturally a thing of the past. Real discussion, if desired, can take place,

[1] The Council from 1923 to 1927 contains twenty members. These are elected in the eight senatorial districts which are included in Philadelphia, one member for each forty thousand eligible to vote. In 1919 prior to equal suffrage, the apportionment was one to twenty thousand. It was assumed that equal suffrage would just double the eligible voters, and the charter provided for doubling the quota if the Nineteenth Amendment were passed. As the number of women was not quite equal to the number of men, the number of councilmen was reduced from twenty-one to twenty in the new apportionment of 1923.

because the number of members is no longer unwieldy. Meetings may be called more often, because there are fewer persons to be considered. The attendance is excellent; almost invariably every member is present. Apparently the salary is large enough to make attendance at meetings financially justifiable. Committees meet quite frequently and there are few absentees. The number of committees has been reduced and the scope of each enlarged. There are now twelve committees instead of twenty-seven, and all the committees with one exception are of real importance. The committee meetings are open to the public, and the work of the committees is of sufficient interest to invite spectators. Responsibility has been measurably concentrated. Anyone interested can determine how the councilmen stand on measures. The result is that ordinances and resolutions are passed rapidly and observers can watch their progress *en route* with remarkable precision. And furthermore there are many observers. The gallery is usually crowded with interested persons. Under the old system, the presence of more than two spectators was quite unusual.

PRESENT COUNCIL PROCEDURE

The procedure is not quite what it should be, but it is nevertheless good. The rules provide that bills are to be introduced at meetings and at a definite place on the order of business. A roll call is actually held at every meeting for the introduction of bills. Each councilman stands at his name and hands his bills to a page who carries them to the president. The president reads the title of each and refers each to a definite committee. Up to this point the procedure is admirable, but here defects occur. A committee need not report on a bill unless it wishes to do so. Also, only bills favorably reported are printed. The "pickling" of bills is therefore quite common. Also, a committee may bring in a totally different bill. This defeats the object of the rule which provides for the introduction of bills at one fixed time. The fullest publicity is, therefore, not given all proposed measures.

Each committee brings in its reports at open meeting, and the president orders them printed after reading the titles. The next week the reported bills come up for final action. The titles of the bills which are to be passed upon are placed on a printed calendar which is laid before each member. The bills are placed in a loose leaf binder which is furnished each member. The calendar is really a guide to the binder, or "appendix," as it is called, and shows the exact location of a bill and the order in which it is to be acted upon. At a fixed place on the order of business, the chairman of each committee calls up his bills. Opportunity is given for debate, no attempt is apparently made to hurry action, and before a bill becomes law each section is agreed to, the title is approved, and the yeas and nays are taken *viva voce*. Little more could be hoped for. The entire action is in the open, and only the grossest negligence on the part of a minority member would permit the passage of a dishonest bill without the raising of a hue and cry.

A minority cannot hold up legislation in the council by filibustering. Debate is strictly limited. A member may not speak more than twice on the same bill or for longer than ten minutes each time without the approval of the council. The previous question may be invoked to halt discussion by a simple majority of the council.

MAYOR APPEARS IN COUNCIL

An admirable feature of the charter is that it provides that the mayor and

the heads of departments have the right to appear before the council or any of the committees to express their views on matters in which they are interested. This is not a dead letter. Bills are frequently drafted by a department head who later defends them on the floor of the council and before the committee which considers it. Even the mayor on important occasions addresses the council on matters which he deems essential to the success of his administration. This practice permits real leadership in legislation by those whose duty it is to enforce it. Nor do the councilmen object to the practice as a usurpation of power. On occasion administrative measures are defeated, but this is due to other causes.

PRESIDENT OF THE COUNCIL

The president of the council is elected by a majority of the members elected to the body. The office of the president is one of considerable importance, and is eagerly sought for. The president appoints all committees and is *ex officio* a member of all of them. This power guarantees him very substantial authority. He recognizes speakers; he appoints all clerks and employees of the council with the exception of the clerk and the sergeant-at-arms who are elected; and he exercises a general direction of the chamber. The result of such broad powers, is that the president is in a position to exert real control over the organization.

Most of the work is done in committees. After a bill has been agreed to in committee, it passes with little more than perfunctory discussion in the council. The bills are drafted with the aid of the city law department and the draftsmanship is uniformly good.

DEFECTS OF THE PRESENT SYSTEM

Two defects exist in the present system, but opinion concerning them is by no means unanimous. First, a method seems necessary to prevent the burying of bills in committee and to secure more publicity for committee reports. Second, the adoption of the principle of minority representation to the council is essential.

The first defect could be remedied by requiring the printing of all bills and by requiring from the committees a report —favorable or unfavorable—on every bill submitted. It might also prove advisable to print a weekly progress chart, listing every bill and indicating its exact position in the legislative procedure.

A modification in the rules, in order to give proposed measures more publicity is now being drafted by the president of the council, and will undoubtedly be incorporated in the council's procedure. It provides that two weeks are to elapse between the committee report and final action on the bill. This period will give the department heads and other interested parties ample opportunity to examine all bills before passage. With the adoption of this rule, the main procedural defect will be eliminated.

WHAT P. R. WOULD DO

Proportional representation would give the Democrats and the independents a voice in the council. At the present time there are no Democrats in the council and there is only one independent. The lone independent narrowly escaped defeat in the election of 1923. There is therefore only one councilman who does not owe allegiance to the machine combine which now dominates the city government. The adoption of the principle of minority representation would probably give the Democrats at least three seats in the council and several to independents. At times, it might even permit control of the council by a union of Democrats and independents.

Certainly if proportional representation is needed anywhere, it is needed in Philadelphia. The Republican organization over a period of years is rock ribbed. The Democratic organization, probably because of the impossibility of ever securing control of more than a few county offices, is notoriously the tool of the Republican bosses. The independents fight a constant battle, but victories are hard to gain and territory conquered at one election is usually lost at the next. Proportional representation would mark a rejuvenation of the Democratic groups and would hearten the independent elements. On the political life of the city the effect would be quite salutary.

In spite of the defects just enumerated, from the viewpoint of the mechanics of government, the council of Philadelphia is unquestionably good. The council is not so large as to be inefficient. Routine legislation is passed with great dispatch. The procedure on the whole is clean cut, and, with the proposed change sponsored by the president, will be excellent. Further, responsibility is actually centralized and cannot be evaded. In the changes made in the legislative branch, the charter of 1919 has abundantly justified its sponsors.

GENERAL CHARACTER OF PRESENT MEMBERS

Nevertheless the charter of 1919 records a very tragic failure. It was hoped that with the creation of a one-house council, a higher type of citizen would seek office. This office would be more attractive in that a councilman would be paid a reasonable salary and in that he would represent a large constituency. With the concentration of responsibility, the voters would discriminate more carefully in determining who should go to the council. Men of broad view with a broad municipal policy were to succeed the small-calibre politicians who dominated the old councils, and were to map out scientific programs for municipal development.

It is difficult to note any real change in the type of men in the council. The average intelligence and ability may be somewhat higher, but the type is the same. The ward leader dominates. The Republican organization which determined the membership of the old councils determines the membership of the new. Unquestionably a few able men sit in the chamber but the average is quite low. The single independent is a man of considerable ability. Certain of the ward leaders are also men of ability. But with the exception of these, the councilmen are the ordinary products of the Philadelphia machine.

For the most part they are "yes" men for a small coterie of leaders. One of these leaders controls six votes, another eight, another two. Within the limits which a not too active public opinion prescribes, two or three men can determine the legislative policy of the city of Philadelphia.

Seven of the councilmen were members of either the old select or common council. One of the councilmen was clerk of the select council. Over one third of the members, therefore, carry over from the older legislative organizations. The president of the council is among these, as are several of the important leaders.

The occupations of the members give a clue to the dominant type. A leading member is an undertaker. Another is superintendent of a cemetery. Two are in the contracting business. One is in the cleaning and dyeing business, another in printing. Two are plumbers. One manufactures paper boxes, another hats. Three are employed by large firms in subordinate positions. Two were employed as

clerks in the City Hall at the time of their election, one was a tipstaff. Two, one of these the independent, are lawyers. The rest apparently have no regular occupations other than their political one.

There is a striking absence of business leaders of the community. Even more striking is the absence of outstanding professional men. These types have simply not secured election to the council. Instead, the councilmen come from the lower middle class, —small business men, clerks, and the like. Certainly they do not spring from the *intelligentsia*, who are a negative quantity in the council.

It is difficult to assay the intelligence of the councilmen. The general impression secured from watching the council in action and from talking to observors who have followed Philadelphia politics is that the councilmen are rather dull. Some are undoubtedly shrewd, but shrewdness does not necessarily involve brilliance. They are good fellows, remember their friends and enemies, and treat them in the traditional manner. Most of them would fit perfectly into a grandstand baseball crowd.

Yet one could hardly say that they do not represent Philadelphia. They do not represent the Academy of Music group or the Rittenhouse Square element. They are not of the old families; —they hardly represent the aristocracy which makes up Philadelphia's social life. Though some of them are members of the Chamber of Commerce, they are on the whole of a different type from its members. They are not sufficiently successful in business to fit in well with an organization like the Rotary Club. They represent, however, remarkably well the average man in Philadelphia,—the tradesman, the skilled laborer, the clerk, the small business man. They are by no means sophisticated, though there may be certain exceptions. But Philadelphia is really not a sophisticated town.

LOCAL IMPROVEMENTS AND PUBLIC UTILITIES

A councilman is expected to secure local improvements for his ward. One councilman who was defeated in the last election said he had secured eight million dollars' worth of improvements for his district and suggested that under the circumstances his defeat was undeserved. The struggle for local improvements is quite keen. The members from the outlying districts demand sewers and those from the city districts, streets, and there is quite a battle between these groups. A councilman is also expected to get jobs for his friends, but the civil service has diminished the importance of this duty.

Just what relation exists between the council and the public utilities corporations cannot be determined by an outsider. There have been no exposés. The lease of the gas works comes up for renewal in the present administration and a more definite answer may be secured by watching the council when the matter is taken up. There are of course many rumors, but these cannot be traced to a definite source. Early this year (1924) an attempt was made to give the local transit company franchises for operating motor busses. These were to be granted free, and were to extend thirty-three years. Further the fare was set at ten cents. For a time it appeared that the bills would pass, as the mayor backed them vigorously. But due to a determined opposition on the part of the independent councilman and several organization men, the franchise bills were held up and now rest in committee.

Certainly the fact that a group of organization men was willing to oppose

the administration in the matter of these leases indicates a hopeful state of affairs. Possibly it means that a new type of man is appearing in the organization,—a man who though of the organization is willing to exercise independent judgments in order to thwart measures which seem to be contrary to the best interests of the city.

A PRACTICAL TEST

One objective test of the present system is whether city problems are being better solved under it—whether the water tastes less of chemicals, whether the streets are better paved, whether the utilities give better service. Of course no method exists of applying the standard other than to test out the opinions of various persons who are in a position to know. Possibly things are better, but the improvement has not been sufficiently marked to cause a group of enthusiasts to rise and proclaim it. On the contrary the cynicism with which this question is received is appalling.

The Philadelphia council illustrates clearly the limitations of mechanical governmental reforms. The council as organized at present approaches the best practice. Yet the work of the Council is not strikingly better than it was in the past. Mechanical reforms are valuable in that they simplify procedure and prevent smoke screens and make dishonesty more difficult. But they do not force better men into office nor cause better and wiser decisions. More than mechanical reform is essential. A change in the type of men who govern is prerequisite to better government. Wiser government does not flow automatically from tinkering with governmental mechanism.

INVESTIGATIONS OF COUNTY ADMINISTRATION IN IOWA

BY I. L. POLLOCK
University of Iowa

COUNTY government in the United States has had a bad reputation ever since students of government and administration began to investigate its workings and to find out how it compared with other governmental agencies. Until recently, however, very little was known about this unit in our governmental scheme. Where investigations have been carried on there has been found a great deal to criticize and little to commend.

The American Academy of Political and Social Science, the National Short Ballot Association, and the American Political Science Association have all encouraged investigation in this region. Individuals, colleges, civic organizations of one sort or another have also been active. Due, however, to the fact that county government varies so widely from state to state, the good work done by these agencies is only a beginning. Only patches have been studied. New investigations, therefore, are to be welcomed. The most recent published record of an extensive study of county government is to be found in the report of the Joint Committee on Taxation and Retrenchment

in New York on county and town government. This report throws much light on county government as it exists in the state of New York where the township-county system of local government prevails.

COUNTY INVESTIGATIONS IN IOWA

A more recent research project on an extensive scale has been under way in Iowa. About two years ago Professor Benjamin F. Shambaugh, head of the Department of Political Science at the State University and superintendent of the State Historical Society of Iowa, proposed that the research division of the Society make a comprehensive study of county government as it actually exists and functions in the state of Iowa. Plans were developed and a tentative outline formulated.

As the work progressed and new aspects of the problem were studied, the original plans were modified until, as finally worked out, the project took the form of two distinct lines of research. One is descriptive and includes a special study of each of the several county offices. The other is made up of studies in administration and consists of monographic studies.

A large amount of preparatory work had been done before these studies were undertaken. The researches were financed by the State Historical Society of Iowa and were carried out for the most part by members of the staff of the Political Science Department of the State University of Iowa. The work has been in progress during the past two years, much of it having been done during the summers. The studies have been practically completed and now await the results of the Special Session of the 40th General Assembly, which is now in session for the purpose of considering a new code. They will be published as Volume IV of the *Iowa Applied History Series* as soon as the revision that may be found necessary as a result of the action of the 40th General Assembly has been made.

COUNTY GOVERNMENT AS IT EXISTS IN IOWA

The studies have shown that on the whole county government as it exists in Iowa is fairly well adapted to the work it has to do and that for the most part the government is administered in a tolerably effective manner and with reasonable economy. The county-township system of local government prevails in Iowa with a decided tendency toward a decrease in the importance of the township. County government is of the commission type: that is, there is a small board of commissioners, called supervisors, of either three, five, or seven members. About two-thirds of the counties have boards of three members each, two have seven members and the remainder five. The members are elected in rotation and either at large or by district as the county itself determines, for terms of three years. In addition to the county board there are seven other elective county officers, namely, auditor, treasurer, recorder, attorney, sheriff, clerk and coroner. These officers are selected for two-year terms and, with the exception of the county attorney, they are all offices created by legislative process and not named in the constitution. The county superintendent of schools is selected by the presidents of the school corporations within the county, and the county highway engineer and the steward or manager of the county home are appointed or hired by the county board. There are no county courts. Iowa is divided into twenty-one judicial districts and, while it is required that the district court shall hold at least five sessions per year in each of the coun-

ties, the county government has no control over the courts.

The situation is comparatively free from difficult complications. Iowa is an agricultural state with many small cities and towns, but with few large centers. Seventy-three of the ninety-nine counties have a population of less than 25,000 each. Only seven counties have a population of more than 50,000 each.

The board of supervisors is the hub of county government in Iowa, and this board exercises tremendous power. The duties are largely executive and administrative. Within the limits fixed by law the supervisors raise and spend public money. They have full control of the county buildings, roads, bridges, and all other county property. They let contracts for supplies for all purposes; they determine the boundaries of townships and election precincts; they audit accounts and allow all bills of all county officers; they appoint some officials, including the county highway engineer, the steward of the county home, election judges, and inspectors for each precinct. They also confirm the nominations made by other county officers for deputies. Little can be done without the approval of the supervisors. They meet periodically for the transaction of business and in called or special meetings whenever necessary.

In a great majority of the counties the supervisors are intelligent men who know the people, conditions, and needs of their respective counties. A very large number of supervisors are successful farmers or retired farmers, who can devote a large amount of time and energy to county affairs. They believe in local self-government and have pretty definite ideas about the county. On the whole they are pretty well qualified for the work that they have to do.

The other officers are perhaps less well qualified. Under the elective system a county office is more or less of a blind alley offering no permanence of position and no advancement. But while the term of office is but two years, one re-election is general, and in a good many counties it is the custom to re-elect for many terms those county officers who have proven their worth. County officers are recruited largely from those who have served as deputies or as clerks. These conditions alleviate a bad situation, but they do not eliminate it and, with the increasing complexity of county government due to the extension of functions, the need for better qualified officers is becoming more pressing.

SOME PROGRESS IN COUNTY GOVERNMENT

A few important steps have been taken in Iowa toward the goal of good county government, and the ones that have been most instrumental in toning up the situation are: First, the complete elimination of the evil practice of compensation by fees and the substitution therefor of the salary basis of compensation. In the second place, the collection of taxes is handled very effectively. Iowa tax laws are archaic except in the manner provided for their collection. The county treasurer is the sole collector of taxes within the county. The tax list made out by the county auditor constitutes the treasurer's authority to demand taxes, and there is only one consolidated list. The county treasurer collects for the state, for the county, for the township, for cities and towns, as well as for all special taxing districts such as school corporations, drainage districts and the like, and makes payment to the respective units. Taxes are paid at the treasurer's office or at banks designated by the county board. This eliminates

the confusion which is to be found in some states where each taxing authority collects its own taxes.

With regard to records and accounting practice the situation is fairly satisfactory. In 1913 the State Legislature established a County Accounting Division in the state auditor's office. A Division of Municipal Accounts had been established by law in 1906 and was operating successfully. The County Accounting Division makes an annual examination of the books of every county officer and it has the power, which it has exercised, to prescribe all official forms to be used by the several county officers and to install a uniform system of accounts. In case the examiners discover that funds have been illegally used the division reports the facts to the attorney-general of the state, who has authority to bring action against offending officials.

The County Accounting Division had many serious obstacles to overcome before much improvement could be noted. The counties had no system of accounting and the forms used in the same offices differed from county to county. Moreover, while it found the county officers to be a very decent class of men individually, it also found them handicapped by lack of knowledge and inclined to follow precedent. The division moved rather slowly in establishing a uniform system of accounts and forms. That is, it did not attempt to make a clean sweep and have every county start with a complete new set of books, but it started and kept going until, at the present time, its systems are installed and in operation in all of the counties of the state. Moreover, there is state-wide respect for the division among county officers as well as a conviction that the examinations constitute a safeguard to the individual officer as well as to the county.

The County Accounting Division has done a great deal toward bringing order out of confusion in county administration. The examiners or checkers, as they are usually called by county officers, give aid and advice as well as make examinations. They help newly elected officers to get an understanding of their new duties and have reduced very materially the losses formerly sustained by counties due to the ignorance of their officers. Standard forms and a uniform system of accounting make it possible to get at comparisons, and the results of the examinations themselves are published in understandable form.

Another factor which has resulted in much good has been the work of the state-wide association of county officers. The various county officers now have well-established organizations. They have an annual convention, all associations meeting at the same time and place, but in separate sections. In these meetings a community of interest is developed, methods of improving administration are discussed, special problems are studied. There are various standing committees the most important of which are those on legislation. The state is divided into districts, and district meetings are held from time to time. The associations are officered by the ablest and most energetic officers and have been conducive to improvement all along the line.

PROBLEMS IN COUNTY GOVERNMENT

While the researches showed that county government in Iowa is not as bad perhaps as it should be according to reputation, they did show that there are many problems to be solved and improvements to be made before county government can be expected to function satisfactorily. In considering the problems of county government

the writer has had in mind primarily the conditions as they exist in Iowa, and has made only such suggestions as could be applied in that state. Within this limited field the outstanding problems of county government and administration may be reviewed under the following heads: organization, personnel, finance, taxation, law enforcement, charities and public welfare, and highways administration. These are also numbered among the problems of county government in other states.

ORGANIZATION AND PERSONNEL

Organization and personnel may be considered together to some advantage in this brief review. Considered solely from the standpoint of how best to secure efficient administration, several changes suggest themselves as desirable. There are too many co-ordinate elective officials and there is lacking adequate centralized supervision and direction within the county. The term of office is too short, merit is not rewarded, and the county office is a blind alley, leading nowhere. A reorganization reducing the number of elective county officials and safeguarded with a non-partisan state-wide civil service would greatly improve the chances for effective administration. Such a change could be brought about by legislative enactment. It would not be desirable, however, to centralize administration so far as to reduce the county to a mere administrative area and so eliminate self-government. The county board should be continued as an elective body and its power of direction and supervision over all county business should be extended.

Better results could undoubtedly be obtained if those elective officers who have only administrative functions were to be made appointive under proper regulation as to qualifications, but it will be very difficult to get away from the elective system for the selection of the principals. The belief that the present system of election works fairly well in spite of the possibilities for evil is deeply grounded and officials will probably continue to be elected by voters who have practically no knowledge of the requirements of the office to be filled. The deputies and other employees are hardly numerous enough to justify the establishment of a civil service board or commission in the average Iowa county, but they might well be selected under a state-wide civil service commission. There is, however, practically no sentiment in favor of such a proposal in the state. Some improvement might be made if the state law were to specify qualifications for all the county officers as it now does for the county attorney. This suggestion is recognized as a half-way measure, but the writer is of the opinion that a radical reorganization is not probable for some time to come. Under the present system honest men and women of average intelligence and ability are selected, but a good deal of time and energy is consumed by newly elected officials in learning the business they have been selected to administer. Naturally, some few are elected who never do learn how to administer their office efficiently. Deputies and clerks are selected for the most part because of their ability.

Comparatively minor changes having some chance of adoption could be made which would improve the administration a great deal. The allocation of functions among the county offices is faulty and could be remedied easily. The issue of licenses should be centralized in one office. A county assessor should be provided and the tax functions now allocated to the auditor's office should be transferred to the county assessor. If this were

done the county recorder's office could be abolished and his functions transferred to the auditor's office. The coroner's office might well be abolished and the functions of the office transferred to the office of county attorney, and the county attorney be given authority to employ medical advice and aid as needed. And, finally, a county budget might well be established. These few changes would go far toward providing a county organization well fitted to the work to be done.

TAXATION AND FINANCE

In connection with taxation fundamental defects in the state tax system as a whole must be remedied before effective administration can even be expected. The state tax laws are not drawn so as to meet present-day conditions adequately. The chief reliance is still placed on the general property tax for both state and local revenues, no attempt being made to separate the sources of revenue for state and local purposes, and the administrative scheme is such as to make effective administration impossible. The proper listing or assessing of property is absolutely essential to the effective administration of the general property tax. But in Iowa this function, with the exception of the holdings of certain state-wide public utility concerns, is still left to elective township and municipal officers over whom is placed no adequate supervision either county or state. Assessing property for taxation has come to demand not only integrity and common sense but also a high degree of skill and knowledge. These the present system are incapable of supplying.

Within the county itself there are several badly handled aspects of finance administration. The authorization of the expenditure of public funds is a legislative function which should be based upon accurate information, both as to the needs for which the appropriation is being made and as to the wisdom of making such appropriation under existing conditions. Every authority with power to appropriate public money should have the information necessary to enable it to plan and carry out a policy with understanding. Under the present county accounting system each county has a proper system of accounts and can secure accurate statistics regarding the administration of the various county offices. But there is little attempt on the part of counties to develop a scientific budgetary procedure. The board of supervisors makes the tax levy at its regular September meeting after the several steps involved in assessment and review and equalization have been taken by the proper authorities and the taxable value of the various kinds and classes of property have been finally determined. It is not customary for the board to have a carefully worked-out plan before it upon which is shown the proposed expenditures for the county for the ensuing year by funds and supported by an itemization of each fund's proposal or estimate. The board does have a comparative statement of the levies and expenditures of the several funds for several years past and including the current year. It knows what the state limits on the levy for each fund is. It knows which funds are running behind and which ones have a balance, and it knows pretty well the attitude of the people of the county toward the tax rates. In determining levies, then, the county board is guided pretty largely by the levies for the years just passed and the attitude of the people of the county. No serious effort is made to estimate necessary expenditures before they have been incurred. Instead of maintaining a system of con-

trol at the purchasing end, that is, at the time the liabilities are incurred, they attempt to control the expenses by a process of inspection of the bills rendered for goods or services which have been already incurred.

As regards the road and bridge work carried out under the direction of the board of supervisors, plans are drawn and estimates are made on a careful basis. The board of supervisors knows pretty definitely at the beginning of a year what is to be done and what it will cost. Estimates are made and submitted by the county highway engineer. The board determines where and when construction is to be carried on on the roads under its jurisdiction. Contracts for the purchase of road and bridge material as well as for road work and bridge construction must be approved by the State Highway Commission. Proposed bond issues for the construction of public buildings must be submitted to a referendum vote of the electorate.

For the purchase of ordinary supplies there is no uniform system followed in the state. In a few of the more populous counties a purchasing agent is employed to do the buying for all the county needs; in other counties there is a purchasing committee usually composed of the chairman of the board and the county auditor. In many counties, however, it is the practice to permit the several county officers to buy their own supplies and to render bills to the county for payment.

The steadily mounting indebtedness of counties has come to be regarded as a serious problem in Iowa, as in many other states. On January 1, 1918, the total indebtedness of Iowa counties was $23,696,708. Five years later, that is, on January 1, 1923, this indebtedness had grown to $62,019,153—more than two and one-half times what it had been on January 1, 1918. There are constitutional and statutory provisions which limit the amount and the manner of incurring public indebtedness, but the amount of actual indebtedness has been mounting so rapidly that some counties have borrowed up to the legal maximum.

This whole situation could be greatly improved were the State Legislature to accept the recommendations of the Joint Legislative Committee on Taxation of the Thirty-ninth General Assembly as submitted to the Fortieth General Assembly in January 1923. This committee recommended: (1) the establishment of a state board of assessment and review with powers similar to the State Board of Tax Commissioners of Indiana; (2) the appointment of a county assessor in each county to assume all duties relating to taxation now required of the county auditor and local assessors; (3) the assessment of all property at full value, providing adequate safeguards against increase in the tax burden; (4) the establishment of a county board of review consisting of the county board of supervisors, the county auditor and the county assessor, with authority to equalize assessment of individual's property or classes of property, with the right of hearing and appeal by the taxpayer; (5) the abolition of the county recorder's office and the transfer of his duties to the county auditor.

CONCLUSION

As regards county government in Iowa the present system, as far as organization is concerned, is perhaps as well adapted to conditions as any system that could be devised. The way must be kept open for improvements, however, and the improvements must continue to be adopted as need demands. The last few years have marked several important improvements, and others are in process

of gaining recognition. The county government in Iowa is administered effectively and with reasonable economy. The administration is especially effective in the collection of taxes. The record system is good, and on the whole the accounting practice is satisfactory. County officers are honest, and as far as the board members are concerned are fairly well qualified to do the work they are called upon to perform.

The outstanding problems of county government and administration have to do with securing an improved personnel to carry on the purely administrative functions; the systematizing of finance administration; the revision of the state tax system; and better enforcement of law. Finally, since the county is an agent of the state and can do only those things which it is especially authorized to do, county government and administration can be improved in a large way only through state action in providing adequate and workable laws as a basis.

OUR LEGISLATIVE MILLS

NEW HAMPSHIRE—THE STATE WITH THE LARGEST LEGISLATIVE BODY

BY NORMAN ALEXANDER
University of New Hampshire

THE present Constitution of New Hampshire was adopted in 1784. In minor details, the organic law of this state has been altered, but the essentials of this instrument remain unchanged. Our form of government, therefore, was inspired by ancient political theories, adapted to conditions, now obsolete. The consequences are detrimental to the welfare of the state. The State Senate becomes the citadel of the property interests. The House of Representatives finds its efficiency impaired. The governor is restricted by a council. The will of the majority awaits the will of the minority. These conclusions will be justified as I proceed to analyze the basis of representation, the composition, the committee system, the lobby, the governor and council, the system of checks and balances of the New Hampshire legislative department. Finally, the effects of these features of New Hampshire government upon partisanship and accomplishments will be considered.

BASIS OF REPRESENTATION

The legislature is designated in the Constitution as the General Court. It is composed of the Senate, and the House of Representatives. Representation in the State Senate was, by the constitution of 1784 apportioned into districts on the basis of the proportion of direct taxes paid. Originally, there were twelve Senatorial Districts, but in 1877 the state was divided into twenty-four districts. The basis of representation, however, was not changed. The effect of this provision coupled with the gerrymandering of districts is to give to the property-holding class greater weight in the election of members to the State Senate, inasmuch as a district with one twenty-fourth of the wealth of the

state will have one senator regardless of the population of that district.

A few facts will reveal the injustice of the plan. The census of 1920 indicates that District No. 1 composed of Coös County, has a population of 36,093. On the other hand, Senatorial District No. 16, containing wards one and two of the city of Manchester, has a population of 8,924. Yet, each of these districts has one senator. Senatorial District No. 18, composed of wards five, six, eight, nine and ten of the city of Manchester, has a population of 33,640. Likewise, it has one senator. In the last election, the Democratic candidates for the State Senate received 5,000 more votes than their Republican opponents. A poll of the State Senate disclosed eight Democrats, and sixteen Republicans. In theory, this basis of representation cannot be supported. In practice, it defeats the will of the people, and tends to make property the master of a people's fate.

The system of representation in the House of Representatives is in some respects similiar to the "Rotten Borough" system. The theory is that each town or parish should be represented. At one time, the little town of Gosport had the right to send a representative though it only cast twelve votes. Evils of this nature lead to a constitutional amendment. This amendment which was approved by the people in 1889 took from the legislature this discretionary power to grant a representative to any town, or village.

At the present time "every town, or place entitled to town privileges, and wards of cities having 600 inhabitants . . . may elect one representative; if 1,800 such inhabitants, may elect two representatives; and so proceeding in that proportion". . . . . Whenever any town shall have less than 600 inhabitants, it is entitled to representation such proportionate part of the time as the number of its inhabitants shall bear to 600. This apportionment represents no material departure from the ratio as adopted in 1784. The effect of this system is to give the small towns an influence in legislation out of proportion to their population. At the same time, a large legislative body is the inevitable consequence.

COMPOSITION OF THE GENERAL COURT

The members of the General Court are elected for a term of two years. All members "seasonably attending and not departing without license" shall receive for the term elected the sum of $200 exclusive of mileage. In the event that a special session shall be called, "an additional compensation of three dollars per day for a period not exceeding fifteen days and the usual mileage shall be paid."

The State Senate has a membership of twenty-four. As previously stated, the Senate in the 1923 session was Republican by sixteen to eight. The Senate is the more conservative branch of the General Court. The Democratic governor of this state has said "that it is easier to drive a camel through a needle's eye than to put through the State Senate any bill opposed by the Amoskeag Manufacturing Company." Regardless of one's views as to the above statement, the Journal of the Senate does disclose that the Senate rejected the House bill providing for a forty-eight-hour week for women, and children employed in factories. When the minimum wage law was before that body, it disposed of the measure with the report that it was "inexpedient to legislate." The pecuniary interest of the manufacturing industry in this legislation is apparent.

Rotation in office seems to be the order in the Senate. In the last session but one member had served a

previous term. Twelve of the members had served in the House of Representatives. Eleven members had had no legislative experience.

Turning to a consideration of the House of Representatives we find here the largest state legislative body in the United States. Composed of 418 members in the last session, the House presents many of the characteristics of a New England town meeting. Persons from all walks of life mingle there on a common plane, and frame the laws of the state. There side by side may be found the farmer and the manufacturer; the cobbler and former governors; the laborer and the ex-congressman. The qualifications of no one seem poor enough to exclude the aspirant from a seat in the House. The qualifications of no one are too excellent to make the contender feel other than that membership in the House offers a field for public service. There are introduced bills designed to promote social justice. There the zealous reformer introduces a bill requiring every person to sleep at least eight hours a day.

Continuous public service is not the goal sought. The office is "passed around." In the last session, three fourths of the membership had not served in any previous session. Many of these, however, had taken part in local politics. A little over one sixth of the membership had served one term. The remaining members brought to the office political experience of two to seven terms in the House. The real work of the session is done by fifteen, or twenty men who, because of native ability, industry and experience are eminently qualified.

This large and democratic character of the House membership has one advantage. The system of rotation in office gives several members of a community a certain training in the public service. Through these persons the people of a town may receive direct information as to legislation and, thereby, become more conversant with public affairs. This educative influence cannot be overlooked.

But the evils more than offset the benefits. A large legislative group places upon the state an unnecessary financial burden. Not only is most of this expenditure barren of any returns to the state, but it actually impedes legislation. Efficiency in the despatch of legislative business is impaired. Most of the members do no constructive work. They delay legislation. But for the influence, and power of a few able legislators, the legislative machinery would be clogged. It's a case of "too many cooks spoiling the broth."

The shortcomings have been recognized by various constitutional conventions. As early as 1791 a constitutional convention approved an amendment limiting the House membership to sixty, but it was defeated by the people. Again, in 1876, the constitutional convention then assembled voted unanimously for a reduction of numbers, but no material progress was made. The small towns feared that any program of reduction would leave them without a representative. Any practicable measure of reform must meet this objection. Such a proposal is here ventured.

An amendment should be drawn up authorizing the General Court to divide the state into districts. The minimum, and the maximum number of districts should be specified. The number of representatives should be substantially reduced. To insure to all towns a resident representative at some time, the amendment should provide for the election of a representative in rotation from each town. Three towns now have one representative each. Sup-

pose that the constitutional convention elects to reduce the membership to one third of its present size. This would mean the combining of the three towns into one district. Each town would be represented by one of its qualified electors every third session of the General Court. A town under this plan would exert the same if not greater weight in legislation, though it would be concentrated in one session instead of being distributed over three sessions, when this influence becomes ineffective because of the large legislative body.

Such a provision does not violate the Federal Constitution. The plan does not in any way abridge the republican form of government guaranteed by that instrument. It is within the province of the state to determine the qualifications of its legislators. The proposal would reduce the size of the House. It would increase its efficiency. It would insure representatives of higher qualifications. The towns would vie with each other to send to the General Court representatives who would be a credit to the entire district. The plan is a step forward toward a more efficient government.

THE COMMITTEE SYSTEM AND PROCEDURE

The procedure by which a bill becomes a law in this state follows in the main the methods pursued elsewhere. Only those features of legislative procedure which are peculiar to this state will be emphasized. Provision is made for the disseminating of information as to prospective legislation. After the second reading of the bill, it is printed in the Journal. If the bill is of sufficient importance, additional copies are usually printed and placed at the disposal of interested parties. This provision is a very helpful device in giving exact information as to the bills which are pending.

The rule pertaining to a quorum in this state is a very unusual one. Under Article 19 of the Constitution, it is provided that a majority of the members of the House shall be a quorum for doing business. Whenever less than two thirds of the representatives elected shall be present, the assent of two thirds of those present must be obtained. On routine matters the point of no quorum is rarely raised. But on all important matters before the House this rule is generally enforced. In order that a majority may control, therefore, it is necessary that two thirds of the membership be present. Or, if there is less than two thirds present, a two-thirds vote is required to pass a measure.

Much of the work of the session is intrusted to committees. In the Senate there are twenty-four committees. Each of the twenty-four senators is a member of four or five committees. A senator is usually chairman of one committee. In the House, there are thirty-five committees. Most of these committees have a membership of from fifteen to twenty. There are also four joint committees dealing with engrossed bills, State Library, State House and State House yards, and joint rules.

The committees hold hearings in designated places where persons interested in proposed legislation may present their arguments. Over one half of the bills introduced are killed in the committee sessions. As to bills which are introduced to carry out campaign pledges, the committee tends to divide on party lines. As to other bills, party lines are as a rule not drawn. On any important measure, a majority and a minority report are filed.

Of what weight is a favorable report in insuring the passage of a bill? To this question a positive answer cannot be given. Usually, a unanimous vote of the committee assures the enactment

of the bill into law. In case of a divided vote in committee, the minority report is frequently substituted for the majority. The confidence reposed in a committee depends upon the ability of the members. A committee by constant application to its duties may earn a reputation for thoroughness which will give to the report of that committee great weight. On the other hand, a committee by inefficient work may loose confidence. The committee system in New Hampshire is a helpful and necessary device of accelerating legislation. Ample opportunity is afforded for the amendment, substitution or rejection of the report as presented.

THE LOBBY

The various committees in passing upon the bills referred to them hold hearing on all important bills. Here agents or representatives of the interests effected may present arguments for or against the proposed measure. All lobbyists are required by law to register with the secretary of state. At the close of the session, they must file with the secretary of state a statement of the fees received. Frequently interests select as their representatives before the committees men with some personal or political influence among the membership.

The lobby operates publicly and privately. The most effective work of the lobbyists is done before the committees. Outside of the committee rooms the lobbyists confer with members, and seek thereby to influence their course of action. Occasionally enterprising lobbyists take a poll of the members.

It is very difficult to determine the precise influence wielded by the lobby in shaping legislation. The work of a lobby is partly, at least, nullified by the work of the opposing lobby. It is safe to say, however, that the influence of the lobby is very great. For example, the bartering away by the state of valuable water power sites to foreign corporations shows the lobby exerting a most pernicious influence. The lobby is an important factor in the legislative process.

THE GOVERNOR AND COUNCIL

In addition to the Senate and House of Representatives, the committees and the lobby, there remains a consideration of the power of the governor and council in shaping legislation. The governor has the power of veto, and to pass a bill over his veto a two-thirds vote of the House and Senate is necessary. A large part of the powers intrusted to the governor is shared by the council.

The council was established in 1784 at a period when the experiences with royal governors were fresh in the minds of the people. This distrust of centralized power led to the adoption of the governor's council. Article 46 provides that "the governor and council shall have a negative on each other, both in the nominations and appointments." Article 49 further provides that the governor, with advice of council, shall have full power and authority in the recess of the General Court to prorogue the same from time to time." The state is divided into five councillor districts, and one councillor is elected from each district. The present council consists of four Republicans and one Democrat.

The power intrusted to the council tends away from responsibility and efficiency in the administration of state affairs. Especially is this true when the majority of the members of the council and the governor are of different political faiths as is now the case. The General Court may authorize the appointment of commissions to carry out a certain policy supported by the

governor. The council, however, by rejecting the governor's appointees may defeat the governor's plan, or force the appointment of men friendly to the council. If the governor believes that a special session of the General Court is necessary his decision awaits the approval of the council. This joint responsibility enables the governor and council to dodge responsibility. It further hampers the execution of legislative policies. It contravenes the policy of centralization with responsibility. The recognition of this fact has prompted all states save New Hampshire and Massachusetts to discard the governor's council.

THE SYSTEM OF CHECKS AND BALANCES

It is extremely doubtful if any state in the union presents a more elaborate system of checks and balances than New Hampshire. As in the case of the governor's council, the reason for this situation is largely historic. At the time the Constitution of this state was adopted in 1784, the people feared the possible concentration of power in the hands of a few persons. To preclude such a possibility the framers of the New Hampshire Constitution placed a series of checks upon the law makers and the law-making process.

The operation of the machinery of legislation furnishes evidence of the system of checks and balances. Representation in the State Senate upon the basis of property gives to the property interests an undue weight in checking legislation. The governor in the exercise of his powers is checked by a council.

Provisions in the Constitution of the state further act as a check upon the General Court. One of the most important problems facing any legislative group is that of taxation. In Article 5 of the state Constitution, it is provided that the General Court shall have power to "impose and levy proportional and reasonable assessments, rates and taxes upon all the inhabitants of, and residents within, the said state." The word "proportional" as interpreted by the courts requires that a like amount of property should be assessed the same tax. This construction renders impossible a graduate income, and makes doubtful the validity of a graduated inheritance tax. This constitutional provision limits effective tax legislation.

The Constitution itself can only be changed by a two-thirds vote of the people. This stringent requirement makes amendments difficult. From 1791 to 1851, the Constitution was unchanged. No State Constitution in this country can equal this record of sixty years with no amendments. This requirement of a two-third vote serves to prevent the expansion of legislative power into fields where time, and experience have proved such expansion to be for the betterment of the state. New Hampshire suffers more from inaction than from action. The reason lies partly in the elaborate system of checks and balances.

PARTISANSHIP

In a government where the system of checks and balances is so strongly intrenched, one might think that the protection accorded the minority would somewhat relieve the political tension. Experience, however, does not justify this conclusion. The numerous restrictions imposed upon the popular majority enables it to place the responsibility for the defeat of certain measures upon an obdurate minority.

Normally, New Hampshire is Republican in all branches of the state government. Under such circumstances, partisanship plays a small part in legislation. The 1922 election interrupted this period of "normalcy."

A Democratic governor with a Republican council was elected. The House of Representatives went Democratic by 226 to 190. The complexion of the State Senate was Republican. These facts made the 1923 session of the General Court one marked with partisan moves by both parties in order to obtain a vantage position in the coming election when a president and a United States senator are to be chosen.

Partisanship in the recent session is best illustrated by the paramount issue of the 1922 election—the forty-eight-hour week for women and children. The Democrats declared for this legislation. The Republican party, including in its membership in this state large property holders, was in a much more difficult position. If the Republicans came out definitely against the bill the party would be branded as a party of the property interests. To escape this stigma, they came out for a commission to study the practicability of a forty-eight hour week.

The Republicans did more. They urged that the bill did not apply to the farmers, thereby appealing to the rural vote. Some of the leaders came out for a national forty-eight-hour week, though it is well known that such legislation is impossible under the present federal Constitution. After the bill had passed the House and was presented to the Senate, the Democrats immediately moved the consideration of the bill with the view of placing the Republicans in a position of rejecting the bill without consideration. The Republicans defeated this move, and the bill was referred to the appropriate committee. Thus the bill on which the election was fought met defeat at the hands of the Republican Senate. Other important legislation, such as home rule for the cities in the state and the minimum wage law, met a similiar fate.

ACCOMPLISHMENTS

The achievements of the 1923 session of the General Court were largely unimportant due to partisan influence. The following table shows the number of bills introduced and laws passed:

	Introduced	*Passed*
House bills	409	168
House joint resolutions	71	40
Senate bills	41	24
Senate joint resolutions	6	1
Total	527	233

Of the number of bills passed, sixty-four were classified as private laws, though many of these were of a semi-public nature.

The most important measures passed during the 1923 session dealt with the subject of taxation. The aims of these measures were to decrease the state tax, and to provide a more equitable system of taxation. Neither party could well oppose these measures without loosing popular confidence.

To reduce the direct state tax a gasoline tax was levied at the rate of one cent per gallon between July 1, 1923, and January 1, 1924. Thereafter a two-cent rate was to be placed upon each gallon. This tax is collected by each dealer.

To encourage the growth of timber lands, a more liberal system of taxation as to timber lands was evolved. Under the tax provisions of the Constitution as interpreted by the courts, timber lands must either be exempt from taxation or be taxed at their full value. The former plan would mean that a large property would be removed from the tax lists. The latter plan would compel the confiscation of much timber land. The General Court resorted to a practical expedient. Each owner of forest land was given the opportunity of placing fifty acres on the classified

forest land list. On such land taxes shall not include the value of forest trees growing thereon. When such classified forest land contains an average of 25,000 board feet of timber per acre, the land is to be placed on the general property list and taxed on the basis of its full value. This plan encourages the growth of timber lands, and at the same time requires such land to pay its just share of taxation whenever the returns make it possible.

To insure a greater return from the taxation of intangibles, the General Court pursued a wise policy. In 1922 the state derived from the taxation of intangibles, the sum of $300,000. This plainly indicates that the tax was evaded. This law with its high tax rate on intangibles was repealed. In its place, there was enacted a law taxing the incomes from intangibles at the rate paid by other property. A graduated income tax was not possible, due to the constitutional requirement of proportional taxes. This plainly violates the principle of ability to pay. Nevertheless, the General Court did reduce the state tax, and by July 1 in the judgment of the governor, New Hampshire will be without any net debt.

In conclusion it may be said that in its capacity for public usefulness the General Court is limited by provisions in the organic law which impede constructive legislation and create a system of government that is not representative. Many people in the state are alert to these conditions, and persistent efforts have been and are made to secure amendments designed to remedy the existing limitations and injustices. Up to date these efforts have proved futile. Whenever the controlling interests of this state see the welfare of this state steadily, and see it whole, the future will contain for New Hampshire a greater measure of political and economic justice.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, OF NATIONAL MUNICIPAL REVIEW, PUBLISHED MONTHLY AT CONCORD, NEW HAMPSHIRE, FOR APRIL 1, 1924.

STATE OF NEW YORK,
COUNTY OF NEW YORK, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Grace R. Howe, who, having been duly sworn according to law, deposes and says that she is the business manager of the NATIONAL MUNICIPAL REVIEW and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are: Publisher, National Municipal League, 261 Broadway, New York. Editor, H. W. Dodds. Managing Editor, None. Business Manager, Grace R. Howe.

2. That the owner is: The NATIONAL MUNICIPAL REVIEW is published by the National Municipal League, a voluntary association, incorporated 1923. The officers of the National Municipal League are Frank L. Polk, President; Carl H. Pforzheimer, Treasurer; H. W. Dodds, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by her.

GRACE R. HOWE, *Business Manager.*

Sworn to and subscribed before me this 4th day of April, 1924.

F. GEORGE BARRY, *Notary Public.*

[SEAL.]
(My commission expires Mar. 30, 1925.)

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY W. A. BASSETT

Disastrous Fire in State Hospital for the Insane.—Public indifference concerning the safety of the inmates of state institutions and what would appear to be a most amazing ignorance on the part of certain public officials responsible for the care of these wards of society, in respect to hazardous conditions existing in those institutions, were disclosed following the disastrous fire in the Illinois State Hospital for the Insane at Dunning, Illinois, which occurred on December 26, 1923, and resulted in the death of fifteen inmates and three others. The past history of this institution, concerning which there is the following comment in the January, 1924 issue of the *National Fire Protection Association Quarterly*, is interesting and significant:

In 1912 the superintendent had called attention to the serious conditions then existing. On August 23, 1911, one of the buildings had been destroyed by fire. On January 17, 1912, another building burned to the ground. This building, built in 1870, had been condemned in 1908, but was forced back into use without remodeling because of overcrowded conditions. On May 4, 1914, another building was burned. On October 16, 1916, two barns on the grounds were destroyed by fire. On December 11, 1918, the tuberculosis ward, with 400 patients inside, took fire. The patients were rescued with great difficulty. After this fire the ward was rebuilt the same as before.

Apparently these previous warnings had little effect, as no loss of life had occurred. Now that the inevitable has happened, the usual wave of public indignation and the "startling revelation" that other asylums and institutions in the state are in similar or worse condition has followed. It is too soon to report the conclusions of the many investigating committees that are seeking to place the blame for this holocaust. In the last analysis the real blame lies on the indifference of the public generally toward the safety of the helpless. The institutional holocaust is not a new horror previously unknown. It is an old story. During the past year the Wards Island Asylum fire in New York with its toll of 27 lives, the Allegheny County Almshouse fire near Buffalo in which nine inmates were burned to death, and now the Dunning disaster, have been added to the gruesome record.

It would seem that the officials responsible for the safety of these unfortunates could not claim ignorance of the danger, in the face of these fatal fires which recur again and again. Yet the president of the State Board of Public Welfare, after a "thorough investigation" of the circumstances of this fire, is reported to have issued a statement which read in part as follows:

Preliminary investigation reveals the following: That the loss of life among the patients occurred entirely in the dining hall, a one-story building, with three big doors opening to the ground level and with large unbarred and unobstructed windows extending all around. This structure was one of a group of buildings isolated from the main structure of the institution. This building, as were others in isolated groups, was fully equipped with water mains and with fire extinguishers. There was no hazard from heat. All wiring was in conduit. The building apparently presented a maximum degree of safety.

Following the Wards Island disaster in New York City, belated action was taken by the state in authorizing a substantial bond issue to provide funds for construction needed to avoid a recurrence of that holocaust. It is to be hoped that prompt and effective action will likewise be taken by the state of Illinois to remedy conditions in that state. There is a warning to other communities in the experience of New York State and Illinois that should receive the serious attention of both the government officials and the public.

*

Another Demonstration of the Practical Value of Engineering Research.—The practical value of engineering research in the determination of design requirements for public improvements has once more been demonstrated by the results obtained from the Bates Road Tests. The latter were conducted under the direction of Mr. Clifford Older, chief highway engineer of Illinois, on a section of road two miles long located in Cook County, Illinois. The road comprised 67 different kinds of pavement design. Completed during June, 1921, from that time up to the latter part of 1922, it was subjected to a traffic endurance test from progressively increasing truck loads up to about 50 per cent in

excess of the wheel loads permitted under the Illinois statutes. The methods employed in conducting these tests and the results obtained have been discussed both in the technical press, notably in the *Engineering News-Record* of August 18, 1921, and January 11, 1923, and at various road conferences, so further comment concerning these matters will not be made in this publication. It is, however, desired to call attention to the reasons which brought about this extended study of road behavior and also certain of the outstanding conclusions which can be made from the results obtained.

With respect to the former, the authorization of a $60,000,000 road bond issue, voted by the people of Illinois in November, 1918, together with federal aid appropriations and other funds, made available approximately $100,000,000 for road improvement at the beginning of 1920. According to Mr. Older, in 1919 heavy truck traffic caused the partial destruction of a well-built concrete road in Cook County, Illinois. This failure of what was assumed to be a properly designed road section caused the state officials of Illinois a certain amount of concern as to what types of design would be suitable to use in the expenditure of the very large sum of money appropriated for road purposes. Naturally, it was desired to undertake extensive road improvement at as early a date as possible. A review of the research work necessary to supply conclusive data on which a rational pavement design for rural highways might be based was first made. As a means of obtaining in a relatively short time a fund of empirical data of this character, Mr. S. E. Bradt, state superintendent of highways, proposed that a test road be built in which should be included all commonly accepted types of pavement. This plan was carried out at an approximate expenditure, including conducting the endurance test of the road section, of $226,000. Mr. Older states that this investment has already justified itself many times over in the state of Illinois alone, because of the knowledge gained from the results of the test as to the design requirements of cheaper and better pavements.

The two outstanding conclusions that can be drawn from the results of the Bates road test have been summarized by Mr. Older substantially as follows:

First: the load carrying capacity of any design of rigid pavement slab is in direct proportion to the ability of its weakest part to resist bending stresses. The Bates road data indicate that for rigid pavements, such as concrete, if the loading does not exceed an amount that will cause bending stresses within the road section in excess of one half of the modulus of rupture of the concrete, such loads may be applied practically indefinitely without producing failure. The passage of numbers of somewhat heavier loads will result in numerous corner breaks involving heavy maintenance expense. Still heavier loads may quickly cause complete destruction of a pavement section in a comparatively short time. As the carrying capacity, and therefore the useful life, of a rigid pavement is dependent upon the magnitude of the wheel loads that cause breaking stresses, it is not economically practical to construct pavements that may be maintained at low cost or that may not be utterly destroyed in a comparatively short time unless wheel loads are rigidly controlled. It is not reasonable to expect local authorities to enforce load regulations. This regulation should be under the jurisdiction of the state, and ample provision made for enforcing it.

The second general conclusion is of a more definite character and of great importance as giving the basis for a rational design of rigid pavements. The results of the Bates test indicate conclusively that rigid pavements having a uniform thickness or edges thinner than the center section are greatly unbalanced in strength and will fail along the edges long before wheel loads are reached that would cause the destruction of other portions of the slab. The lesson learned from this phenomenon goes contrary to the practice followed up to the present in the design of concrete roads.

As a result of the experience gained, the Illinois division of highways already has adopted new designs for concrete roads and concrete base for asphalt surface roads. The claim is made that these new design sections will not only provide a pavement better able to carry the loading permitted, but also can be built at a lower cost per mile than the concrete road section employed in the past.

The results of the Bates road test should be of great value to highway officials throughout the country in the formulation of sound policy both in respect to the design of roads and the requirements of administrative control over their use.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY ARCH MANDEL

Through the efforts of the San Francisco Bureau a strong municipal affairs committee was organized by the Chamber of Commerce to act as a militant force behind the Bureau's recommendations, the latter serving as a staff agency and consultant to the committee.

Two major accomplishments of this committee are the drafting of a city manager charter and the working out of a ten-year development program for San Francisco. The charter is being written by W. H. Nanry, Director of the Bureau, and Professor E. A. Cottrell of Stanford University, and will be presented as a single complete amendment, as was done in Cleveland.

Important projects which have some degree of official sanction and which would involve a cost of $225,000,000 have been proposed for San Francisco, but without reference to any general plan or to the city's ability to finance them. The Bureau is trying to work out a development program on the basis of the city's financial resources for the next ten years; each project to be considered in accordance with its relative needs and in relation to a general plan, together with the city's ability to afford it.

*

Apparently it all depends on how you go about it. The Tax Supervising and Conservation Commission of Multnomah County is an official state-appointed commission having supervision over the local budgets and tax levies of Multnomah County, created by the legislature in 1921. In 1923 a law was passed extending this system to all of the counties of the state. The outside commissions were organized last year and proceeded to function more or less completely during the budget season last fall. A few of the commissions were somewhat radical in their tax reductions, and in at least one case it was stated that fixed debt items had been eliminated from the budget. In any event a movement against the commissions was started in several of the counties which materialized in a Supreme Court decision at the end of the year which invalidated the 1923 statute on the ground of a defective title. This decision put all of the outside commissions out of business, and leaves in existence and functioning only the Multnomah County Commission.

C. C. Ludwig, Secretary of the Multnomah County Commission, is looking for information on consolidation of governments in metropolitan areas.

*

New Jersey commuters in the metropolitan district will be interested to learn that no improvements in the commutation service of the railroads as to running time and frequency of trains has been made in the last twenty years. This was shown in a report on the Rapid Transit situation, prepared by the Bureau of State Research of New Jersey. This organization also made a study of the state finances of New Jersey, urging a revision of the taxation systems.

*

"Aldermanic rule is inadequate, undemocratic, extravagant and vicious," stated Luther Gulick, Director of the Bureau of Municipal Research, New York, in an address before the Newark Chamber of Commerce. This address was one of a series of three inspired by the Bureau of Municipal Research of the Newark Chamber, in order to contribute its share to the discussion now going on in that city relative to the desirability of making some change in the form of the city's government.

*

Have yourself placed on the mailing list of the Commission of Publicity and Efficiency of Toledo, 412 Valentine Building, C. A. Crosser, Secretary. Their bulletin comes out weekly and always has a front page of interesting information.

*

J. E. Donaldson, Accountant, was added to the staff of the Minneapolis Bureau of Research. Mr. Donaldson has had a wide experience in the commercial field and in teaching accounting.

The permanent registration law, prepared by the Minneapolis Bureau and placed on the statute books largely through its effort, was tried out for the first time in March in the election in St. Paul. Mr. Olson states that it has met all the problems foreseen in a very satisfactory manner.

⚜

Cuyahoga County finances are receiving special attention by the Cleveland Bureau. A comprehensive study of the financial laws and the financial administration in the county is now being made. The object of the study is to appraise the adequacy and the usefulness of the system under which an urban county, such as Cuyahoga, operates, and to recommend such changes in legislation and administration as seem more useful for a county of this character. In this study the legal basis of each separate fund is being examined and its operation for the last five years is being studied.

⚜

Hart Cummin, Secretary of the Tax and Economy Committee of the El Paso Chamber of Commerce, is preparing information on a million dollar bond issue to be submitted to the voters.

⚜

A monumental piece of work has just been completed by the Philadelphia Bureau. A card index of the ordinances of Philadelphia from 1789, the first year for which printed copies of ordinances are available, to the end of 1923, was prepared. The index comprises 10,000 cards, each containing from one to fifteen entries.

⚜

The reports now in preparation for publication by the Philadelphia Bureau include a study of the city's municipal street-cleaning and refuse-disposal undertaking; a study of the city's borrowing policy; a study of the city's gas problem; a review of the local movement toward classification and standardization in the city's service, with recommendations of the steps that still need to be taken; and a study of charges for minor street privileges.

⚜

Two important steps, recommended by the Citizens' Bureau of Milwaukee, are being taken by the school board of Milwaukee in the reorganization of its departments. The first is the employment of a full-time architect, to be paid about $9,000 a year. The selection will be made by Civil Service and the local Chapter of Engineers and Institute of Architects is in charge of the examination. The second step is the creation of a research department that will serve in the capacity of "service" auditor of the board and have general charge of all publicity and statistical work.

⚜

Milwaukee voted on a half million dollar bond issue in April. The basis for this program was a carefully worked-out survey by the Citizens' Bureau in co-operation with the Land Commission. Wherever possible, city-owned property not being used was recommended for use as playground. This new plan provides playgrounds within a half mile of every child in the city and within a fourth of a mile of every child within the congested district.

Adequate playgrounds for the future will be taken care of in the "ten-year sites program" now being worked out by the Citizens' Bureau in co-operation with a School Building Survey Committee. This program is including territory within three miles of the city limits. It is planned to acquire twelve acres for senior high schools and six acres for elementary schools.

⚜

Consulting administrative service is being offered by the Citizens' Research Institute of Canada to Canadian cities. This was done in order to make it possible for municipalities to obtain first-grade consulting service on matters of administration at a reasonable cost.

While little may be heard on this side of the border of municipal research in Canada, the Citizens' Research Institute, of which Dr. Brittain is director, has stimulated interest in government research in all parts of Canada, and the organization has made surveys in cities from coast to coast.

⚜

Budget laws for city, county and first-class school districts of the state of Washington, adopted at the last legislature, were drafted by the Taxpayers' Economy League of Spokane. It is reported that the municipal research idea is gradually taking hold in the larger cities of Washington. The Tacoma Taxpayers' Association is doing municipal research work and it is reported that such an organization is being considered in Seattle.

NOTES AND EVENTS

EDITED BY A. E. BUCK

More About New York's Administrative Reforms.—Governor Smith made an attempt to bring up a plan for more economical state government by constitutional amendment. In the closing days of the legislature he called together the publishers and editors from various sections of the state and had a talk with them at the executive mansion. In the invitation to be present at the meeting he made the following statements:

You are undoubtedly somewhat familiar with the program now before the legislature for reorganization of the state government. It is divided into three main parts: the consolidation of the one hundred and eighty-seven scattered departments of the state government into twenty-one major departments, the executive budget, and the four-year term for governor.

The constitutional changes necessary to bring about the consolidation were passed last year and consolidations of departments which can be effected by statute are going forward. The executive budget and the four-year term, both of which require changes in the constitution and which are essential facts of the program, are now before the legislature and are about to be acted upon at this session. . . .

The governor's talk with these people seems to have created quite a wave of interest over the state. It is thought that this will cause the legislature to take favorable action upon the proposals for administrative changes in the state government.

✠

Threatened Collapse of Zoning in Los Angeles.—The community's efforts to direct its physical growth along lines determined by the study of experts and to avoid the confusion and waste of haphazard development appear to be a failure. The city's zoning program has been seriously interfered with, and complete breakdown seems inevitable if present trend is not immediately checked.

The failure is due not to court attack upon the city's right to regulate the uses of property (there has as yet been no final judicial decision invalidating the zoning ordinance), but to the activities of organized realtors, city hall politicians and lobbyists.

CITY COUNCIL BECOMES ACTIVE

During our first year of zoning the city council kept its hands pretty well off the work of the planning commission. Ordinances based upon careful study of the district zone were passed by the council largely as presented by the city-planning commission. But the present council, under the leadership of Councilman Miles Gregory, the chairman of the public welfare committee, has taken zoning matters into its own hands, with the result that the planning commission's zoning committee plays the rôle of a feeble and much discouraged adviser.

In the past three or four months appeals against planning commission zoning decisions from property interests have resulted in an alarming number of council reversals of the commission. The records show that in the case of the majority of these appeals the city fathers rejected the judgment of zoning experts as to the proper location of single family residences, apartments, retail stores, and industries, and gave their assent to the invasion of residential sections by flats and business establishments.

The Municipal League makes no charges, but it believes the people should be acquainted with the possibilities for pernicious activity of lobbyists arising out of the council's zoning activities.

VALUES JUMP FOLLOWING COUNCIL ACTION

It is possible for the city council, the League has ascertained from real estate operators, to raise market realty values as high as 300 per cent. The aggregate jump in values from some of these legislative acts reversing the city-planning commission is astounding.

Take, for instance, the case of Wilshire Boulevard between Western Avenue and Westlake Park, which has recently been taken by council action out of B, or apartment house zone, and put in C, or retail business zone.

The territory changed has a frontage of nearly 12,000 feet. According to one real estate agent, this frontage while in B zone was worth approximately $1,500 a foot, a total for both sides of the street of nearly $18,000,000.

If placing this frontage in C zone increased its

value one third, as we were informed by one agent, the total increase would be nearly $6,000,000.

LEAGUE PRESENTS FACTS TO DISTRICT ATTORNEY

The inducement to improper pressure upon the legislative body under these circumstances is thus seen to be appalling.

The League has ascertained that lobbyists of high and low degree have been active in obtaining these zoning changes.

Further, the League, after lengthy investigation, has concluded there may be truth in the numerous rumors and charges of graft afloat in the western section of the city. This conclusion is drawn from much information of a rather positive character which has come to us.

It is conceded by us that city hall may never have seen any of the money which it is alleged has passed into the lobbyist's hands. But we feel that the people ought to know the truth and the full truth regarding a dangerous situation.

For this reason all the information at our disposal has been placed in the hands of the district attorney.—*From Bulletin Municipal League of Los Angeles.*

✻

Suggested Charter Reforms in Waltham.—A recent editorial in the *News-Tribune* of Waltham, Massachusetts, has the following to say on the present situation in that city:

There is one thing that the present city council is doing, probably without deliberate design but none the less effectually. It is arousing poignant regret in the bosoms of some of those who gave their hearty support and their work for Plan B. When these contrast the hemming and hawing, the backing and filling and the evident inability to make up its mind to a course and pursue it which has characterized the present council, not always through its own fault but because of the fault of the plan itself, they are moved to wish that Plan D was once more on the map and in operation.

But one thing can be said of the present form of city charter. It is less objectionable than the old aldermanic form of government. It is more workable than a charter that provided for a large legislative body; but when that is said, everything is said. Ward representation, while it has not so far become as obnoxious as ward representation usually is, has not been any advantage to the city. The way is still open for abuses; for in spite of the magnificent disregard for statesmanship which the council has shown, none of the members has displayed a tendency toward the lower forms of ward politics for personal gain.

The committee system which the council has seen fit to install and which probably had to be installed in order to make the plan workable, resulted in neither better judgment on matters before the council nor in expedition. Interminable delays are characteristic of practically every matter that comes before the council. And on many occasions the committees have not had the courage to take the reins into their own hands when an order was referred to them, but have called the council into caucus before taking definite action.

Plan D has more real friends now that it has gone than it had when it would have been possible to save it. Those who were the loudest in their opposition to the charter because of the action of the old council in trying to put through the Mt. Pleasant plan are now the loudest in their complaints because the city is going to build a city hall on the Common. Had it not been for the Mt. Pleasant plan the Plan D charter would not have been defeated. That both went down is a source of regret to many who helped put it down.

✻

Proposed City County Consolidation in Milwaukee.—A recent report of the Voters' League of Milwaukee has the following to say on city-county consolidation:

There is little reason why the city and county should have separate independent police and health departments, election and civil service commissions, sewage systems and city-planning organizations, or why city water facilities should not be supplied to territory adjacent to the city.

Such consolidation would eliminate duplicate governmental organizations, centralize authority and responsibility, equalize and reduce governmental costs and fuse conflicting policies and standards of work. Such consolidation must ultimately come by the merging of city government into the county.

Discussing the efficiency of the county government the report says:

Until the constitutional and legislative restrictions are loosened, county government will remain an archaic, unorganized and inefficient system that may have served its purpose in Civil War days, but is now inefficient.

✻

Regional Planning in Chicago.—Steps toward a building up of the new Chicago Regional Planning Association were recently taken at a meeting of the Board of Directors of the City Club of Chicago. A member of the Board of Supervisors of Kenosha, Wisconsin, presented at this meeting recommendations for a wild game preserve in southern Wisconsin and northern Illinois as a feature of the Chicago Regional Plan, and pledged Kenosha County's support to the

Regional Planning cause. There was also submitted at this meeting a program for the work of the Regional Planning Association including extensive surveys of physical, economic and social conditions as well as a detailed budget. It was suggested that considerable money could be saved and that some valuable suggestions could be derived from the experiences of the New York regional planners.

✻

Budget Facts from Portland, Oregon.—The Tax Supervising and Conservation Commission of Multnomah County, Oregon, has recently issued its 1923 annual report. Mr. C. C. Ludwig, formerly of the Rochester Bureau of Municipal Research, has been for some time executive secretary to this commission and is largely responsible for the form and contents of the annual report. This report is not the first one that the commission has issued, but it shows striking improvements over the previous reports. It contains a very interesting group of facts about the finances of the city of Portland and the county in which it is located. These facts are illuminated by supporting charts, diagrams and tables. It might be well to say that the Tax Supervising and Conservation Commission was created by state law and has certain supervisory control over the financial operations of the city of Portland and the county in which it is located.

✻

The Kansas Court of Industrial Relations.—The National Industrial Conference Board of New York has recently issued a report (Research Report No. 67) on the Kansas Court of Industrial Relations. The foreword to this report says:

> The establishment and activities of the Court of Industrial Relations of Kansas, now in its fifth year, must be counted as one of the significant events in the history of industrial relations in the United States. Whatever its ultimate fate, whether to be emasculated by higher courts or to be crippled by political intrigue, the nation-wide attention which it attracted will make it a landmark in American industrial history, to be pointed to as a success or a failure, as a promise or a menace, by the public employers, labor unions and students of industrial policy, each group according to its bent.

The report gives a full and complete study of the nature and work of this court.

A Proposal for Improving the Budget System of Local Governments in Ohio.—Mr. R. E. Miles of the Ohio Institute has recently proposed a plan for improving the budget system of all local taxing districts in the state of Ohio and enforcing a pay-as-you-go policy. The plan aims to standardize the budget methods for local governments of the state by establishing a uniform fiscal year for all taxing districts coinciding with the calendar year; by keeping expenditures within the money available; prohibiting appropriations in excess of properly estimated available income and balances; by requiring financial reports at least annually from each taxing district; by establishing an elective county budget commission and by making a number of administrative readjustments for greater efficiency.

✻

The Falling Off of the Town Meeting.—News from Lynn, Massachusetts, suggests that the old town meeting idea is a thing of the past, and that to be able to carry on productive business meetings on topics relating to the city government some other method must be adopted. There has recently been a decided falling off of the attendance at the town meetings in this city. Sometimes it was impossible to secure the necessary 200 which constitutes a quorum, and at least at two meetings the moderator was compelled to send out to secure enough to make a quorum.

✻

West Virginia League of Municipalities Organized.—A League of Municipalities has been recently organized in West Virginia largely through the efforts of Harrison G. Otis, who is at the present time city manager of Clarksburg, West Virginia. Mr. Otis has been named president of the League. The meeting at which the League was organized was held at Morgantown.

✻

The Fifth Annual Meeting of the Southwestern Political and Social Science Association was held in Fort Worth, Texas, on March 24 to 26. This Association brings together the university and college teachers of five or six southwestern states. For some time the Association has published a quarterly. During the past year this quarterly has been edited by Professor H. G. James of the University of Texas, assisted by Frank M. Stewart of the same university.